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The Election Law of the State of New Yor



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THE
ELECTION LAW

OF THE
STATE OF NEW YORK

WITH
Notes and Instructions

PREPARED UNDER THE DIRECTION OF

JOHN T. McDONOUGH

Secretary of State

ALBANY
J. B. LYON COMPANY, STATE PRINTERS

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POLITICAL CALENDAR, GENERAL ELECTION, 1902.

Election day, Tuesday, November 4.

Polls open 6 A. M., polls close 5 P. M.

Registration days in cities of the first class (New York and Buffalo):

First day, Friday, October 10, 7 A. M. to 10 P. M.

Second day, Saturday, October 11, 7 A. M. to 10 P. M.

Third day, Friday, October 17, 7 A. M. to 10 P. M.

Fourth day, Saturday, October 18, 7 A. M. to 10 P. M.

Registration days in cities and villages of five thousand or more inhabitants elsewhere than in cities of the first class, are held on the same days as in those cities from 8 A. M. to 9 P. M.

Registration in election districts other than in cities or villages of five thousand inhabitants or over are:

First day, Saturday, October 11, from 9 A. M. to 9 P. M.

Second day, Saturday, October 18, from 9 A. M. to 9 P. M.

Designation of polling places, September 2.

List of candidates for election officers to be filed not later than July 1.

Appointment of election officers in cities on or before September 1.

Publication of polling places and election district boundaries in cities, October 9, 10, 11, 16, 17, 18, November 3 and 4.

Certificates of nominations to be filed with secretary of state:

Party certificates, September 25 to October 4.

Independent certificates, September 25 to October 10.

To be filed with county or city clerk, board of police or board of elections:

Party certificates, September 30 to October 10.

Independent certificates, September 30 to October 15.

Certification of nomination by secretary of state, October 21.

Publication of nominations, October 29 to November 3, inclusive.

Declination of party nomination to be filed with secretary of state not later than October 10. Of independent nomination not later than October 15.

Declination of party nomination to be filed with county or city clerk, board of police or board of elections, not later than October 15. Of independent nomination not later than October 17.

Objection to nomination certificate must be made within three days after the filing thereof.

Vacancies in nominations caused by declination, death or disqualification must be filed with secretary of state, county clerk or city clerk on or before October 20.

When a candidate dies after the official ballots have been printed, the vacancy can be filled by filing the proper certificate, and the officer providing the official ballot must then provide official pasters bearing the name of the new nominee. The pasters are affixed to the ballots by the ballot clerks before delivery to the electors.

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THE ELECTION LAW.

CHAP. 909.

AN ACT in relation to the elections, constituting chapter six of the general laws.

BECAME a law May 27, 1896, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER VI OF THE GENERAL LAWS.

The Election Law.

- ARTICLE I. Times, places, notices, officers and expenses of elections. (Sections 1 to 19.)
- II. Registration of electors. (Sections 30 to 36.)
- III. Primaries, conventions and nominations. (Sections 50 to 66.)
- IV. Official and sample ballots, instruction cards and stationery. (Sections 80 to 89.)
- V. The conduct of elections. (Sections 100 to 114.)
- VI. County and state boards of canvassers. (Sections 130 to 142.)
- VII. Voting machines. (Sections 160 to 184.)
- VIII. Electors of president and vice-president and representatives in congress. (Sections 190 to 198.)

ARTICLE I.

Times, Places, Notices, Officers and Expenses of Elections.

- SECTION 1. Short title.
2. Date of general election.
3. Time of opening and closing polls.
4. Filling of vacancies in elective offices.
5. Notice of elections.
6. Notice of submission of proposed constitutional amendments or other propositions or questions.
7. Publication of concurrent resolutions, proposed constitutional amendments and other propositions.

SECTION 8. Creation, division and alteration of election districts.

9. Maps and certificates of boundaries of election districts.

10. Designation of places for registry and voting.

11. Election officers; designation, number and qualifications.

12. Appointment and qualification of election officers in cities.

13. Election officers in towns.

14. Organization of boards of inspectors; supplying vacancies and absences.

15. Preservation of order by inspectors.

16. Ballot boxes.

17. Voting booths and guard-rails.

18. Payment of election expenses.

19. Delivery of election laws to clerks, boards and election officers.

Section 1. Short title.—This chapter shall be known as the election law.

§ 2. Date of general election.—A general election shall be held annually on the Tuesday next succeeding the first Monday in November.

§ 3. Time of opening and closing polls.—The polls of every general election, and, unless otherwise provided by law, of every other election shall be opened at six o'clock in the forenoon and shall close at five o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to electors, and the electors entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act. It shall not be lawful for any corporation, association, copartnership or person, to sell, offer or expose for sale, or give away, any liquor on the day of a general or special election, within one-quarter of a mile of any voting place, while the polls for such election shall be open. A violation of this provision shall be deemed a misdemeanor. (*Thus amended by chap. 654, L. 1901.*)

For duties at opening of polls, see § 100, and at closing of polls, see § 110.

§ 4. Filling vacancies in elective offices.—A vacancy occurring before October fifteenth in any year of any office authorized to be filled at a general election, shall be filled at the general

election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his official term; or upon the occurrence of a vacancy in any elective office which can not be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor shall make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation. A special election shall not be held to fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occurs before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after October fourteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election.

§ 5. Notices of elections by secretary of state and county clerk.—The secretary of state shall, at least three months before each general election, make and transmit to the county clerk of each county, and the board of elections of the City of New York, a notice under his hand and official seal, stating the day upon which such election shall be held, and stating each officer, except

city, village and town officers, who may be lawfully voted for at such election by the electors of such county or any part thereof. If any such officer is to be elected to fill a vacancy, the notice shall so state. The secretary of state shall forthwith, upon the filing in his office of the governor's proclamation ordering a special election, make and transmit to each county clerk and to the board of elections of the City of New York, a like notice of the officers to be voted for at such special election in such county or city or any part thereof, and cause such proclamation to be published in the newspapers published in such county having large circulation therein, at least once a week until such election shall be held. Each county clerk shall forthwith, upon the receipt of either such notice, file and record it in his office, and shall cause a copy of such notice to be published once in each week until the election therein specified in the newspapers designated to publish election notices. He shall also publish as a part of such notice, each city, village and town officer who may lawfully be voted for at such election by the electors of such county or any part thereof; *and the city, village and town clerks of each county shall at least three months before each general election make and transmit to the county clerk of the county, a notice under their respective hands and official seals, stating each city, village or town officer to be voted for at such election.* (Thus amended by chap. 95, L. 1901, and chap. 232, L. 1901. Words in italics added by chap. 232, L. 1901.)

§ 6. Notice of submission of proposed constitutional amendments or other propositions or questions.—Every amendment to the constitution proposed by the legislature, unless otherwise provided by law, shall be submitted to the people for approval at the next general election, after action by the legislature in accordance with the constitution; and whenever any such proposed amendment to the constitution or other proposition, or question provided by law to be submitted to a popular vote, shall be submitted to the people for their approval, the secretary of state shall include in his notice to the county clerk and the board of elections of the City of New York, of the general election, a copy of such amendment, proposition or question, and if more

than one such amendment, proposition or question is to be voted upon at such election, such amendment, proposition or question, respectively, shall be separately and consecutively numbered. If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk and the board of elections of the City of New York a like notice. Each county clerk shall, forthwith upon the receipt of such notice, file and record it in his office, and shall cause a copy of such notice to be published once a week until the election therein specified, in the newspapers designated to publish election notices. (*Thus amended by chap. 95, L. 1901.*)

§ 7. Publication of concurrent resolutions, proposed constitutional amendments and other propositions.—The secretary of state shall cause each concurrent resolution of the two houses of the legislature, agreeing to a proposed amendment to the constitution, which is referred to the legislature to be chosen at the next general election of senators, to be published once a week for three months next preceding such election, in two newspapers published in each county, representing the two political parties polling the highest number of votes at the then last preceding general election, and in one additional newspaper published in each county for every one hundred thousand people in such county, as shown by the then last preceding federal or state enumeration. Such additional newspapers shall be selected by the secretary of state with reference to making such publication in newspapers having the largest circulation in the county in which they are published. If such resolution does not state that such proposed amendment is so referred to such legislature, the secretary of state shall publish, in connection with the publication of such concurrent resolution, a statement that such amendment is referred to the legislature to be chosen at the next general election. The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the electors

of the state at a general or special election, to be published for a like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such submission will be made and the reading form in which it is to be submitted. If such proposed amendment or other proposition or question is to be submitted at a special election, to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as soon as practicable after such appointment, and shall continue once in each week to the time of the election.

§ 8. Creation, division and alteration of election districts.—Every town or ward of a city not subdivided into election districts shall be an election district. The town board of every town containing more than four hundred electors, and the common council of every city except New York, in which there shall be a ward containing more than four hundred electors, shall, on or before the first day of July in each year, whenever necessary so to do, divide such town or ward respectively into election districts, each of which shall be compact in form, wholly within the town or ward, and shall contain respectively as near as may be, four hundred electors, but no such ward or town shall be again divided into election districts until, at some general election, the number of votes cast in one or more districts thereof shall exceed six hundred; and in such case the redivision shall apply only to the town or ward in which such district is situated. If any part of a city shall be within a town, the town board shall divide into election districts only that part of the town which is outside of the city. No election district including any part of a city shall include any part of a town outside of a city. A town or ward of a city containing less than four hundred electors may, at least thirty days before the election or appointment of inspectors of election of such town or ward, be divided into election districts by the board or other body charged with such duty when, in the judgment of such board or body, the convenience of the electors shall be promoted thereby. The creation, division or alteration

of an election district outside of a city shall take effect immediately after the next town meeting, and at such next town meeting inspectors of election shall be elected for each election district as constituted by such creation, division or alteration. If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, or ward of a city, it shall take effect immediately, but a new town or ward shall not be created, and no new town or ward shall be subdivided into election districts between the first day of August of any year, and the day of the general election next thereafter. If inspectors are not elected or appointed for such district outside of a city before September the first next thereafter, the town board of the town shall appoint four inspectors of election for such district. If a town shall include a city, or a portion of a city, only such election districts as are wholly outside of the city shall be deemed election districts of the town, except for the purpose of town meetings. The board of elections of the City of New York shall divide such city into election districts on or before the first day of July in any year whenever necessary so to do as hereinafter provided. The election districts existing pursuant to the provisions of law in the counties within the city of New York, shall continue with their present boundaries, so far as possible, until at some general or city election the number of registered electors therein shall exceed six hundred and fifty, provided, however, that any election district containing less than seventy-five electors in such counties, made necessary by the crossing of congressional lines with other political divisions, may be consolidated with contiguous election districts in any year when no representative in congress is to be voted for in such districts. On or before the first day of July in every year the board of elections of the city of New York shall divide each election district of said city which contains more than six hundred and fifty electors, as shown by the registration of electors for the election of the preceding year, into two or more election districts. Such election districts so established in the city of New York shall not again be changed until at some

general election the number of registered electors therein shall exceed six hundred and fifty, except where changes are made necessary by a change in the boundaries of congressional, senate or assembly districts or ward lines, provided, however, that when the number of registered electors in any election district shall for two consecutive years, be less than two hundred and fifty, such district may be consolidated with contiguous election districts in the discretion of said board of elections. In that portion of the City of New York within the county of New York each election district shall be compact in form, entirely within an assembly district and numbered in consecutive order therein respectively. In that portion of The City of New York outside of the county of New York each election district shall be compact in form, entirely within a ward and numbered in consecutive order therein respectively. No election district shall contain portions of two counties, or two senate or assembly districts or two wards. Each town and each part of a town included in the city of New York, as constituted by the Greater New York charter, shall be respectively deemed to be a ward within the meaning of this section. (*Thus amended by chap. 95, L. 1901.*)

Election districts in which voting machines are to be used, may be created containing as near as may be six hundred voters each, see § 182.

§ 9. Maps and certificates of boundaries of election districts.—When a ward of a city or an assembly district within a city shall be divided into two or more election districts, the officers or board creating, dividing or altering such election districts, shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted not less than ten days prior to the first day of registration in each year, in at least ten of the most public places in each election district so created, divided or altered, and shall, prior to every election, furnish copies of such map or description to the inspectors of election in each election district of such ward or assembly district. The copies furnished to the inspectors of election shall have printed on each or affixed to each in some secure way the list of

places designated pursuant to section ten as places at which the meetings for the registration of electors and the election shall be held during the year within such ward or assembly district. The officers creating, dividing or altering an election district in a town shall forthwith make a certificate or map thereof, exhibiting the districts so created, divided or altered, and their numbers respectively, and file the same in the county clerk's office, and a copy thereof in the town clerk's office, and cause copies of the same to be posted in at least five of the most public places in each election district of such town, and the county clerk shall, prior to every general election, furnish copies of such maps or certificates to the inspectors of election in each election district of such town, provided such election district is not coterminous with the town lines. (*Thus amended by chap. 89, L. 1902.*)

§ 10. Designation of places for registry and voting, publication of same; and provision of furniture therefor.—On the first Tuesday of September in each year, the town board of each town, and the common council of each city, except New York, and the board of elections of the city of New York, shall designate the place in each election district in the city or town at which the meeting for the registration of electors and the election shall be held during the year. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least ten electors at a time outside of the guard rails. No building, or part of a building, shall be so designated in any city if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in any part thereof. No room shall be designated elsewhere in a city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in such room, or in a room adjoining thereto, with a door or passage-way between the two rooms. No intoxicating liquors, ale or beer shall be sold in such building in a city or such room or adjoining room elsewhere after such designation and before the general election next thereafter, or be allowed in any room in which an election is held during the day of the election or the canvass of the votes. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor. If any place so designated shall there-

after and before the close of the election be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the officers charged with the designation of a place for such election shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building. The officers authorized to designate such places in any town or city, shall provide for each polling place at such election, the necessary ballot and other boxes, guard rails, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot and other boxes for each polling place, with the keys thereof, to the inspectors of election of each election district at least one-half hour before the opening of the polls at each election. The officers authorized to designate the registration and polling places in any city, except The City of New York, shall cause to be published in two newspapers within such city a list of such places so designated, and the boundaries of each election district in which such registration and polling place is located. Such publication shall be made in the newspapers so selected upon each day of registration and the day of election, and on the day prior to each such days. One of such newspapers so selected shall be one which advocates the principles of the political party polling the highest number of votes in the state at the last preceding election for governor, and the other newspaper so designated shall be the one which advocates the principles of the political party polling the next highest number of votes for governor at said election. The board of elections of the city of New York shall cause to be published in two newspapers in each borough within such city a list of the registration and polling places so designated in each borough and the boundaries of each election district therein in which such registration and polling place is located; except that in the borough of Brooklyn, such publication shall be made in the newspapers designated to publish corporation notices therein. Such publication shall be made in such newspapers upon

each day of registration and the day of election and on the day prior to each of such days. Such publications shall be made in the newspapers published in such counties which shall respectively advocate the principles of the political parties which at the last preceding election for governor respectively cast the largest and next largest number of votes in the state for such office. The said board shall also cause to be published in the City Record on or before the first day of registration in each year a complete list of all the registration and polling places so designated and the boundaries of the election districts in which such places are located arranged in numerical order under the designation of the respective boroughs in which they are located. In selecting the newspapers in which such publications are to be made the said board shall keep in view the object of giving the widest publicity thereto. (*Thus amended by chap. 95, L. 1901.*)

For number, etc., of ballot boxes, voting booths, etc., to be provided, see §§ 16, 17.

Officers authorized to adopt voting machines, see § 163.

§ 11.* Election officers; designation, number and qualifications.—Subdivision 1. There shall be in every election district of this state the following election officers, namely, four inspectors, two poll clerks and two ballot clerks, whose term of office, *except as hereinafter prescribed*, shall be for one year from the date of their appointment or election, and who shall serve at every general election, special or other election held within their districts during such term. *The term of office of inspectors of election in towns shall be for two years.* No person shall be appointed or elected an inspector of election, poll clerk or ballot clerk who is not a qualified elector of the county if within the city of New York or of any other city or of the election district of the town in which he is to serve, of good character, able to speak and read the English language understandingly, and to write it legibly, and who does not possess a general knowledge of the duties

* Amended by chaps. 95 and 536 of the Laws of 1901. Words in italics show the amendment of this section by chsp. 536, L. 1901, which said amendment omitted subdivision two of said section as herein printed.

of the office to which he is elected or appointed, or who is a candidate for any office to be voted for by the electors of the district in which he is to serve, or, who has been convicted of a felony and not restored to citizenship, or who holds any public office except notary public or commissioner of deeds, town or village assessor, justice of the peace, village trustee, water commissioner, officer of a school district, overseer of highway, whether elected or appointed or who is employed in any public office or by any public officer whose services are paid for out of the public money other than is excepted herein. Each class of such officers shall be equally divided between the two political parties which at the general election next preceding that for which such officers are to serve, cast the highest and the next highest number of votes. Where election officers are appointed the qualifications required of them by this section shall be determined by an examination by or under the direction of the appointing board or officer. (*Thus amended by chap. 536, L. 1901.*)

Election officers in cities of first class exempt from jury duty, see § 12.

Subdivision 2. Boards of elections established.—a. There shall be, and there is hereby established, a board of elections in every city of the first class in this state which does, or shall, contain within its boundaries one or more counties. The said board shall consist of four persons to be known and designated as commissioners of elections. Each of said boards of elections shall be and are hereby charged with the duty of executing the provisions of the laws relating to all elections held within their respective cities, except as otherwise provided by law.

b. All such commissioners of elections shall be appointed by the mayor of the city, and shall hold office for a term of two years, except as hereinafter provided. Each of the said commissioners of elections shall be at the time of his appointment a resident of and a qualified elector of such city. No commissioner of elections shall hold any other office, except commissioner of deeds or notary public, during his term of office, nor shall he be a candidate for any elective office during such term, and any votes cast for any person for office, who shall have been

a commissioner of elections within one hundred days of the election at which such votes were cast, shall be void and shall not be counted. A commissioner of elections may be removed from office by the governor for cause in the same manner as a sheriff. Any vacancy in the office of commissioner of elections shall be filled by the mayor of the city within five days after the vacancy has been created, and the person appointed to fill such vacancy shall hold office during the balance of the term of the commissioner in whose place he was appointed. At their first meeting the commissioners of elections shall organize as a board by electing one of their number as president and one as secretary, and in case no election can be had the members shall draw lots for such places. The board shall have power to adopt such rules and regulations for the control and conduct of the affairs of such board and of its employees as are not inconsistent with or in violation of law. The board shall keep a record of their proceedings and shall make an annual report in the month of December of the affairs and proceedings of said board to the mayor of the city.

c. Within ten days after this act shall take effect the mayor of the city of New York shall appoint four persons as commissioners of elections, each of whom, at the time of his appointment, shall be a resident and qualified elector of the city of New York, and not more than two of whom shall belong to the same political party, or be of the same political opinion on state or national politics. The term of office of the commissioners so appointed shall be from the date of their appointment to twelve o'clock noon of January first, nineteen hundred and three, or until their successors have qualified. Upon the expiration of the term of office of the commissioners first appointed, and every two years thereafter, the mayor of the city of New York shall appoint four persons as commissioners of elections for the full term of two years, each of whom shall be as above provided a resident and qualified elector of the city of New York and not more than two of whom shall belong to the same political party or be of the same political opinion on state or national politics.

The salary of each commissioner of elections shall be five thousand dollars a year, payable in equal monthly installments.

d. Within five days after this act takes effect, the respective chairmen of the county committees, within the counties of New York and Kings, of each of the two political parties which at the general election held in the year nineteen hundred cast the highest and the next highest number of votes for governor, shall each respectively file or cause to be filed with the mayor of the city of New York a certificate, duly executed over the signature of the chairman who makes the same, which certificate shall certify to the mayor of such city the name of a person who is a resident and qualified elector of the city of New York and who shall be recommended by the chairman making such certificate as being in his opinion, and in the opinion of the committee of which he is the chairman, a fit and proper person to be appointed a commissioner of elections. Each of such four certificates shall be substantially in the following form, to-wit:

“To Honorable,

Mayor of the City of New York.

I, ..., chairman of the county committee of the party, for the county of....., do hereby, in accordance with the provisions of paragraph d of subdivision two of section eleven of the election law, certify that in my opinion and in the opinion of the said committee,..... a resident and qualified elector of the borough of....., city of New York, is a fit and proper person to be appointed a commissioner of elections, and I do hereby recommend him for appointment to said office. In witness whereof, I have made and executed this certificate, this day of....., 19..”

Each of such certificates shall be duly acknowledged by the person executing the same, before a notary public or other officer authorized to take acknowledgments to deeds for record in this state. At least five days before the first day of January, nineteen hundred and three, and at least five days before the first day of January of each second year thereafter, the respective chairmen of the county committees, within the counties of New

York and Kings, of each of the two political parties which at the general election last preceding the date of such certificate cast the highest and the next highest number of votes for governor, shall each respectively make and file or cause to be filed with the mayor of the city of New York, a certificate in substantially the form and executed and acknowledged as above provided, each of which four certificates shall respectively certify the name of a person who is a resident and qualified elector of the city of New York and who is recommended as a fit and proper person to be appointed a commissioner of elections for the term of two years beginning with the first day of January next ensuing. If at any time a vacancy arises in the office of commissioner of elections, through death, resignation, removal or inability to serve, the chairman of the county committee of the political party to which the commissioner creating such vacancy belonged, for the county of New York, if the commissioner creating such vacancy was a resident of the borough of Manhattan or of the borough of the Bronx of said city, or for the county of Kings if the commissioner creating such vacancy was a resident of any other borough of said city, shall make and file or cause to be filed with the mayor of the city of New York, a certificate in substantially the form and executed and acknowledged as above provided, certifying and recommending the name of a person, who is a resident and qualified elector of said city, as a fit and proper person to be appointed a commissioner of elections for the unexpired term of the commissioner creating such vacancy. At least two days time, after a vacancy has been created, for the making and filing of the certificate above provided for, shall be afforded by the mayor, before making any appointment to fill such vacancy, to the person upon whom the duty is imposed hereunder to make said certificate and file the same or cause the same to be filed.

e. Each and every certificate filed with the mayor of the city of New York in pursuance of the provisions of this act, shall be kept by the mayor in some safe and secure place in his office, and shall be a public record open at all reasonable hours to the inspection

of any person who may desire to see the same, it being the intention of this act, and said intention is hereby declared, to secure in the appointment of the members of the board of elections established by this act, equal representation of the two political parties which at the general election next preceding such appointment cast the highest and the next highest number of votes for governor, and the committees and chairmen of committees of which political parties have been duly elected as such under and in pursuance of the provisions of the primary election law.

f. The bureau in the police department of the city of New York, heretofore known and designated as the general bureau of elections, and the branches of said general bureau in the boroughs of the Bronx, Brooklyn, Richmond and Queens, together with the office of superintendent of elections of the city of New York, and the offices of the chiefs of the branch bureaus of elections in said respective boroughs, are hereby abolished, and all of the rights, powers, authority, duties and obligations immediately heretofore by law vested in and imposed upon the said bureau and branch bureaus, together with every right, power, authority, duty and obligation immediately heretofore by law vested in and imposed upon the police board of the city of New York, its successor or successors, with respect to general, special or primary elections, shall forthwith by force of and as an effect of this chapter be transferred to, imposed upon and continued in the board of elections of the city of New York hereby created.

g. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of the superintendent of elections and the chiefs of the branch bureaus of elections or under the control of the police board of the city of New York, its successors, or successor, shall be transferred to the care, custody and control of the board of elections upon demand by said board.

h. So far as practicable and necessary the chief clerks, clerks, assistant clerks and stenographers attached to and in the service of the general bureau of elections of the city of New York and of the branches of said general bureau in the respective boroughs

at the time this act shall take effect shall be continued in the service and employment of the board of elections with the same salaries and, so far as practicable, the same duties until the first day of April, nineteen hundred and one, unless otherwise provided by the board of elections, which board shall have power to fix the number, salaries, duties and rank of such chief clerks, clerks, assistant clerks and stenographers and to appoint and remove and to fix the salaries of all employes of said board.

i. The board of elections shall have power to provide and maintain an office for such board in the borough of Manhattan which shall be the headquarters of said board, and to furnish the same with necessary furniture and office fixtures, and shall also provide, maintain and furnish an office in each other borough of the city of New York and shall place the same in the charge of a competent person. The general office of the board of elections shall, until otherwise located with the consent of the board of elections, be located at police headquarters, in the borough of Manhattan which shall be the headquarters of said board as hereinbefore provided, and the several branch offices of the board of elections shall continue to be located in the rooms now occupied by them in the various boroughs of the city of New York, or be removed to other suitable locations in the respective boroughs. Said board of elections shall have full and complete control of the said branch offices of the board of elections and of all the offices, employes, affairs and administration of said branch offices. Every report, statement, certificate, document or paper which was immediately heretofore by the election law required or provided to be made, transmitted, rendered or delivered to or filed with the board of police or superintendent of elections in the city of New York, is hereby required to be made, transmitted, rendered or delivered to or filed with the said board of elections. Every provision of law relating to the doing of such acts or to the making and transmitting, rendering, delivering or filing such reports, statements, certificates, notices, documents or papers or to the effect thereof, or providing that other things shall be done in conjunction therewith or consequent

thereon, shall, with the same force and effect apply to and operate upon the doing of such acts by the board of elections, and the making, transmitting, rendering, delivering or filing of such reports, statements, certificates, notices, documents or papers with said board. It shall be the duty of the commissioner of police and the officers and members of the police force, whenever called upon by the board of elections to render to said board all practicable assistance in the enforcement of the election and the primary election law, including the use of the police telephone service. The commissioner of police shall detail to the service of the board of elections upon its written request such patrolmen and other members of the police force as may be necessary from time to time for the faithful performance by said board of its functions and duties. All copies of police reports to commanding officers of precincts under subdivision three, of section thirty-two, of the election law, shall be forthwith transmitted by the precinct commander to the board of elections. All statements of canvass delivered to any officer in command of a precinct under subdivision three, of section one hundred and ten, of the election law shall be forthwith transmitted by such precinct commander to the board of elections to be by them preserved with the same force and effect as if preserved by the police.

j. All sums necessary to pay the expenses of the board of elections of the city of New York, including the salaries of the commissioners of elections, chief clerks, clerks, assistant clerks and other employes and to meet and defray the charges and expenses of all elections lawfully held in the city of New York or in any territory included therein, shall be a charge against the said city, and shall upon proper certificates and vouchers be paid in the same manner as other expenses and charges against the said city are by law provided to be paid. Said charges and expenses, as estimated, shall be included in the annual budget of said city each year and in the yearly taxes levied upon the estates, real and personal, in the city of New York. The comptroller of the city of New York, is hereby authorized

and directed to transfer to the credit of the board of elections all moneys remaining out of the appropriations for the year nineteen hundred and one, to the credit of the general bureau of elections and its branches, for defraying the expenses of said board of elections and its branches and other election expenses, and such moneys shall be paid out upon the authority of the board of elections. Any additional sum needed for the conduct of the business of the board of elections during the year nineteen hundred and one shall be provided by the board of estimate and apportionment of the city of New York, by the sale of bonds or otherwise.

k. The board of elections of the city of New York is hereby authorized and directed, not less than two years after each election, to sell or destroy all registers of electors in the possession of such board; provided, that one copy of such register of electors for each election district shall be excepted and preserved by such board from such sale or destruction. The board of elections is also authorized to sell to the highest bidder the unused ballots furnished for the last preceding election, but such unused ballots shall not be sold until at least six months after the election for which they were provided. All moneys realized by sales under this section shall be paid over to the proper fiscal officer of the city of New York to the credit of the account of the board of elections.

l. Sections three hundred and fifty-eight to three hundred and seventy-one inclusive of chapter eight of the Greater New York charter, being chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," and all other laws or parts of laws inconsistent with or in conflict with this subdivision, whether general, special or local, are hereby repealed. (*Thus amended by chap. 95, L. 1901.*)

§ 12. Appointment of election officers in cities.—The board of elections of the city of New York and the mayor of each other city shall, on or before the first day of September of each year select and appoint election officers for each election district therein, and may fill any vacancy which may occur before the opening of the polls on election day. Each political party entitled to representation in any board of election officers may, not later than the first day of July in each year, file with such board or mayor an original list of persons, members of such party duly qualified to serve as election officers. A supplemental list of persons may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments of such district are made and certified by such board or mayor or when a vacancy shall exist in the original list by reason of the disqualification, resignation, declination or withdrawal of the name by the person or persons submitting the same of any person on such list, and all appointments shall be made from the original list if those named therein are found qualified; if not so qualified, then from a supplemental list so filed. If within ten days after notice in writing by the board or mayor to the chairman of the committee or other person by whom the list is filed or authenticated, such chairman or other person shall neglect to file an additional list, the board or mayor may appoint qualified persons, members of the party in default, to act as election officers. In the city of New York such lists shall be authenticated and filed by the chairman of the executive committee of the county committee of the party in the respective counties within such city; in other cities, by the chairman or secretary of the general city committee of such party, if there be such a committee, or if not, then by the chairman or secretary of the general county committee of such party, if there be such a committee, or if not, then by the corresponding officer of any committee performing the usual functions of a city or county committee; provided however, that if in any city more than one such list be submitted in the name or on behalf of the same politi-

cal party, only that list can be accepted which is authenticated by the proper officer or officers of the faction or section of such party, which was organized as regular by the last preceding state convention of such party; or, where no such convention has been held within the year, by the proper officer of the faction or section of said party, which, at the time of the filing of said list is recognized as regular by the state committee of such party, which was organized by or pursuant to the direction of the last preceding state convention of such party. All persons so proposed for appointment shall be examined as to their possessing the qualifications required by section eleven of the election law by or under the direction of the mayor or board, who shall give five days' notice in writing of such examination to the person to be examined, and also the chairman of the committee or other person by whom the list is filed and authenticated, and such chairman or other person may appear and be heard at such examination, either in person or by counsel. If a person so nominated after examination is found qualified, under section eleven of the election law, he shall be appointed to the position for which he was recommended. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the mayor or board within three days after such disqualification is determined by such mayor or board, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and the vacancy shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no list the appointment may be made without such list, as provided in this section after examination. In the city of New York the members of the board charged with the duty of appointing election officers, who represent the same political party, shall have the exclusive right and be charged with the exclusive duty of selecting from the list submitted, or, in lieu of said list, the members of such party who are to be appointed as election officers. Every person so appointed as an election officer shall, within five days after notice of

his appointment, take and subscribe the constitutional and statutory oath of office, which shall be administered, if in the city of New York, by a commissioner of elections, or by any clerk or other employe of said board of elections who shall be designated by said board in writing over the signature of its president to administer said oath of office; and if in any other city, by the mayor thereof or by any other person or persons designated by him for that purpose; and all of said officers, and every clerk or person so designated by them or him for that purpose, shall be and is hereby authorized as empowered to administer such oath. Every person so sworn as an election officer shall receive a certificate of appointment and qualification, signed by the person who administered the oath, in such form as may be approved by the board or officer by which or whom he was appointed, and specifying the capacity and election district in which he is to serve and to date the expiration of his term of office. Any election officer so appointed may be removed for cause by the board or mayor making the appointment, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration or election, and for improper conduct as election officer, shall only be made after notice in writing to the officers to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. All such vacancies so created shall be filled in the same manner as the original appointment was made. Any election officer who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired time of his predecessor. No election officer shall be transferred from one election district to another after he has entered upon the performance of his duties, and no election officer shall serve in any county save that in which he shall reside. The chairman of each board of inspectors of each election district shall, within twenty-four hours of any election, furnish to the mayor or board appointing such officers, if required so to do by such mayor or board, under his hand, a certificate stating the number of days of actual service of each member of

such board, the names of the persons who served as poll clerks and ballot clerks on election day, and the number of days during which the store, building or room hired for registration and election purposes was actually used for such purposes. Any person acting as such chairman, who shall wilfully make a false certificate shall be guilty of a misdemeanor. Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore subscribed or shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to the other penalties prescribed by law, be liable to a fine of one hundred dollars, to be sued for and recovered by the mayor or board making the appointment, in a court of record, for the use and benefits of the treasury of such city. Any election officer who, being removed for cause, shall fail upon demand to deliver over to his successor the register of the electors, or any tally sheets, book, paper, memorandum or document relating to the registration of electors or the election in his possession, so far as he has made it, shall be liable to a like penalty to be recovered in a like manner for the benefit of such city. All persons appointed and serving as election officers on each of the days of registration and of election and count of the votes in cities of the first class shall be exempt from jury duty for one year from the date of the general election at which they serve. Such officers shall be paid by the comptroller of the respective cities, within twenty days after the election at which such officers served upon the certificate of the board or officer appointing them. (*Thus amended by chap. 95, L. 1901.*)

No ballot clerks to be appointed where voting machines are adopted, see § 181.

For qualification for appointment or election of election officers, see § 11.

§ 13. *Election officers in towns.—Inspectors of election in towns shall be appointed by the town board in each year in which a town meeting is held for the election of town officers, and within thirty days thereafter. Such appointments shall be made from lists to be prepared, certified and filed in the manner here-

* Election officers in office April 25, 1901, shall hold office and continue to serve until the expiration of their terms, see chap. 536, L. 1901

inafter provided, by the two political parties entitled to representation on a board of election officers. The town caucus or primary held by each such political party for the purpose of nominating town officers shall prepare a list containing the names of at least two persons, qualified to serve as inspectors of election, for each election district in said town, which lists shall be certified by the presiding officer and a secretary of said caucus or primary, and filed with the town clerk in the same manner and at the same time as the party certificate of nomination filed by said party. From each of the two lists so filed, the town board shall appoint two persons who possess the qualifications prescribed by law for election officers. If in any town more than one such list be submitted on behalf or in the name of the same political party, only that list can be accepted which is certified by the proper officer or officers of the faction of such party which was recognized as regular by the last preceding state convention of such party; or if no such convention was held during the year, by the proper officer or officers of the faction of such party, which, at the time of the filing of such list is recognized as regular by the state committee of such party. Such appointment shall be made in writing and filed with the town clerk who shall forthwith notify each person so appointed of his appointment to said office, in the same manner that he is now by law required to give notice to a person of his election to a town office when his name does not appear upon the poll list at the town meeting at which he was elected to said office. From the additional names, if any, contained on the lists so filed, of persons qualified to serve as such, the town board shall appoint inspectors of election in case of the resignation, declination or other incapacity of persons appointed to such office. If such lists contain no additional names of such persons, the town board shall fill vacancies caused by such resignation, declination or other incapacity by appointing persons known, or proved to the satisfaction of a majority of the members of said board to be members of the same political party in which such vacancy occurred. All appointments to fill vacancies shall be made in writing and filed with the town clerk, and

notices thereof given by him as hereinbefore provided in the case of an original appointment. At the first meeting in each year of the board of inspectors in every district in a town, one poll clerk and one ballot clerk shall be appointed by the two inspectors of election representing one of the political parties entitled to representation on such board, and one poll clerk and one ballot clerk shall be appointed by the two inspectors representing the other political party. Such appointments shall be in writing, signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated, and a copy thereof with the post-office address of each person so appointed shall be mailed to the clerk of the county. The poll clerks and ballot clerks so appointed shall hold their office during the term of office of the inspectors appointing them, except as hereafter provided. The persons so appointed as poll clerks and ballot clerks shall be voters in the district in which they are appointed to serve, and shall possess the qualifications required of such officers by section eleven of this act. If at any time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or a ballot clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as such poll clerk or ballot clerk, take the constitutional and statutory oaths of office. (*Thus amended by chap. 536, L. 1901.*)

No ballot clerks to be appointed where voting machines are to be adopted.

For qualification for appointment or election of election officers, see § 11.

Similar provisions for filling of vacancies in office of poll clerk or ballot clerk, see § 14.

§ 14. Organization of boards of inspectors; supplying vacancies and absences.—Before otherwise entering upon their duties, the inspectors of each district shall meet and appoint one of their number chairman; or, if a majority shall not agree upon

such appointment, they shall draw lots for that position. If at the time of any meeting of the inspectors there shall be a vacancy in the office of any inspector, or if any inspectors shall be absent from any such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of the same political party as the absent inspector, to act until such absent inspector, or his successor duly appointed under the provisions of section twelve, shall appear, and such person, if so serving temporarily, shall serve without pay. If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified electors of the district belonging to the political parties as specified in section eleven, to fill such vacancies, or to act in the place of such inspectors respectively, until the absent inspectors respectively appear. If at any time there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of the same political party as the absent poll clerk or ballot clerk to fill such vacancy. Every person so appointed or designated to act as an inspector, poll clerk or ballot clerk shall take the constitutional and statutory oaths as prescribed by the election law.

Similar provisions for filling of vacancies in office of poll clerk or ballot clerk, see § 13.

§ 15. **Preservation of order by inspectors.**—All meetings of the board of inspectors shall be public. Such board and each individual member thereof shall have full authority to preserve peace and good order at such meetings, and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties

in this section enjoined. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they shall make an order directing the sheriff or any constable of the county, or any peace or police officer to take the person so offending into custody and retain him until the registration of electors, or the canvass of the votes shall be completed, but such order shall not prohibit the person taken into custody from voting. Such order shall be executed by any sheriff, constable, peace or police officer, to whom the same shall be delivered. But if none shall be present, then by any other person deputed by such board in writing. The said board or any member thereof, may order the arrest of any person other than an election officer violating or attempting to violate, any of the provisions of this election law.

§ 16. Ballot boxes.—There shall be but one ballot box at each polling place for receiving all ballots cast for candidates for office, which box shall be conspicuously marked “box for general ballots.” There also shall be a ballot box for the reception of ballots found to be defective in printing, or mutilated before delivery to electors, and for ballots spoiled and returned by electors, which box shall be conspicuously marked, “box for spoiled and mutilated ballots.” There shall also be a box for detached ballot stubs, which box shall be conspicuously marked “box for detached ballot stubs.” If proposed constitutional amendments, or other propositions or questions may lawfully voted upon thereat, there shall be a separate ballot box at each polling place for the reception of ballots upon such amendments or propositions, or questions, which box shall be conspicuously marked, “box for questions submitted.” In towns in which town meetings are held on election day, an additional ballot box shall be provided, to be marked “box for town propositions,” in which shall be deposited ballots cast on town propositions and questions. Each box used for the reception of voted ballots shall be provided with a sufficient lock and key, and with an opening in the top thereof large enough, and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into

the box. Each box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election. (*Thus amended by chap. 405, L. 1902.*)

Officers to provide and deliver boxes at least half an hour before opening of polls, see § 10.

§ 17. **Voting booths and guard rails.**—There shall be in each polling place during each election a sufficient number of voting booths, not less than one for every seventy-five registered electors in the district. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outward, and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be at least one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences including pencils having black lead only, as will enable the electors to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open by artificial lights if necessary. A guard rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail. Each guard rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, election officers and every part of the polling place except the inside of the booths, shall be in plain view of the election officers and the persons just outside the guard rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window, or opening, except by the door in front of said booth.

Officers to provide voting booths and guard rails, see § 10.

§ 18. **Payment of election expenses.**—The expense of providing polling places, voting booths, supplies therefor, guard rails and other furniture of the polling place, and distance markers, and the compensation of the election officers in each election

district, shall be a charge upon the town or city in which such election district is situated except that such expenses incurred for the purpose of conducting a village election, not held at the same time as a general election, shall be a charge upon the village. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used at a town meeting, city or village elections not held at the same time as a general election, and of printing the list of nominations therefor shall be a charge upon the town, city or village in which the election is held. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used in any county, except such counties or portions thereof as are included within the city of New York, at any other election, if no town meeting, city or village election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers, to be used in any such county at any other election, and of printing the lists of nominations therefor, if the town meeting, city or village election be held in such county at the same time therewith, shall be apportioned by the county clerk between such town, city or village and such county, in the proportion of the number of candidates for town, city or village officers on such ballots, respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon. Whenever voting machines are used in an election by any city, town or village, only such expenses as are caused by the use of such machines, and such as are necessary for the proper conduct of the elections as required by the election law shall be charged to such city, town or village. All expenses relating to or connected with elections lawfully in-

curred by the board of elections of the city of New York shall be a charge on such city, and after being audited by the proper officer, shall be paid by the comptroller of said city upon the certificate of such board. The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the board of supervisors of the county, or the board acting as such board of supervisors. The town clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the other members of the town board of the town. Ballot clerks, shall receive the same compensation for their attendance at an election, as inspectors of election for the election, and be paid in like manner. Poll clerks shall receive the same compensation for their attendance at an election and canvass of the votes as inspectors of election and shall be paid in like manner. An inspector of election, lawfully required to file papers in the county clerk's office, shall, unless he resides in the county, if within the city of New York, or in any other city or town in which such office is situated, be entitled to receive as compensation therefor five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such county clerk's office in going to and returning from such office. In cities of the first class, having a population of two million or more inhabitants, the persons appointed and serving as inspectors of election shall receive seven dollars and fifty cents for the hours fixed by law for each day of registration, and of revision of registration for a special election, and seven dollars for the hours fixed by law for the election, and five dollars for the count and return of the votes. The poll clerks in such city shall each receive the same compensation as inspectors of the election and for the count of the votes, and the ballot clerks shall receive eight dollars each. Such officers shall be paid by the comptrollers of the respective cities upon the certificate of the board or officers appointing them. Election officers required to meet at a different time from the regular count of the votes cast at a general election for the purpose of counting and

returning the votes of electors absent from their election districts in time of war in the actual military or naval service of this state or of the United States shall be paid five dollars each. (*Thus amended by chap. 95, L. 1901.*)

Persons serving temporarily as inspectors to receive no pay, see § 14.

§ 19. Delivery of election laws to clerks, boards and election officers.—The secretary of state shall at least sixty days before each general election held after this act takes effect cause to be prepared a compilation of the election law with explanatory notes and instructions, properly indexed, and the secretary of state shall procure the same to be printed by the legislative printer, and transmit to the county clerk of each county except New York, Kings, Richmond and Queens counties, and to the board of elections of the city of New York, located in the borough of Manhattan and to the branch office of the board of elections in each of the other boroughs of the city of New York a sufficient number of copies thereof, to furnish one such copy to the county clerk and to said board and to each of said branch offices of the board of elections and one to each town, village and city clerk and to each election officer in such county and said boroughs together with such number of extra copies as may in his judgment be necessary to replace lost or mutilated copies before delivery thereof to election officers. The county clerk of each county, except those counties the whole of which are included within the city of New York, shall forthwith transmit one of such copies to each of such officers in such county, and the said board of elections shall cause to be delivered one of such copies to each of such officers in the city of New York. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office and upon the expiration of his term or removal from office deliver it to his successor. The secretary of state shall also transmit to the state superintendent of elections for the metropolitan elections district a sufficient number of such copies to furnish one of such copies to the superintendent and to each deputy. (*Thus amended by chap. 95, L. 1901.*)

ARTICLE II.

Registration of Electors.

SECTION 30. Meetings of registration.

31. Adding and erasing names on register.
32. Forms for registration.
33. Method of registration.
34. General provisions.
35. Certification and custody of register.
36. Delivery of blank books for registration, certificates and instructions.

§ 30. Meetings for registration.—Before every general election, the board of inspectors for each election district in every city, and in villages having five thousand inhabitants or more, shall hold four meetings for the enrollment of the voters thereof, at the place designated therefor, on the fourth Friday, fourth Saturday and the third Friday and third Saturday before such election, to be known respectively as the first, second, third and fourth meetings for registration. Each meeting, if in cities of the first class, shall begin at seven o'clock, if elsewhere, at eight o'clock in the forenoon, and continue, if in cities of the first class, until ten o'clock, if elsewhere, until nine o'clock in the evening. In all election districts other than in cities or villages having five thousand inhabitants or more, the board of inspectors of election for each such election district shall hold two meetings for the registration of electors thereof, at the places designated therefor, before each general election, namely, on the fourth and third Saturday before the election, to be known respectively as the first and second meetings for registration, which meetings shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening. The board of inspectors of election shall also, if ordered so to do by the supreme court, or a justice thereof, or a county judge, as provided in section thirty-one of the election law, meet on the second Saturday before each general election for the purpose of correcting the registers by adding to or striking off the name of any person as directed by such order. It shall be the duty of each inspector

of election to make a note on the registers opposite the name of each person so enrolled, or so stricken off, of the date of such order, and the court, justice or judge issuing the same. If any special or other election other than a general election shall be ordered or held in any city or village, the inspectors of election of the various election districts in which such special or other election is to be held, shall meet in their respective districts at the place designated therefor, on the second Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening for the purpose of revising and correcting the register of electors as hereinafter provided. No inspector shall on any day for registration be absent during the hours fixed for enrolling the names of electors. Each political party or independent body duly filing or entitled to file certificates of nominations of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty and delivered to one of the inspectors of election, appoint not more than two watchers to attend any meeting or meetings of inspectors for an election district in cities and villages having five thousand inhabitants or more held for the enrollment of the voters thereof. Such watchers may be present at such polling place, and within the guard rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration. (*Thus amended by chap. 300, L. 1901.*)

For organization of boards of inspectors and supplying vacancies and absences, see § 14.

No part of registration days a holiday, see § 34, subd. 5.

§ 31. Adding and erasing names on register.—If the board of inspectors at any meeting for the registration of electors shall have neglected or refused to place upon the register of electors the name of any person who is entitled to have his name placed thereon, application may be made to the supreme court, or any justice thereof in the judicial district in which such elec-

tion district is located, or of a county adjoining such judicial district, or to a county judge of the county in which such election district is located, on a day at least two days prior to the second Saturday before any election, for an order to place such name upon the register of electors; and such court, justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the board of inspectors, and such other persons interested of such application as the court, justice or judge may require, order such inspectors to convene as a board of registration on the second Saturday before such election, and to add the name of such person to such register of electors, and such register shall be corrected accordingly; but no court, justice or judge shall order the name of any person to be added to the register of electors unless it shall have been omitted therefrom through the fault, error or negligence of the election officers. In case the name of any person who will not be qualified to vote in such election district, at the election for which such registration is made, shall appear upon such register, application may be made in like manner by any elector of the town or city in which such election district is located to any court, justice or judge hereinbefore designated, for an order striking such name from the register, and such court, justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested of such application as the court, justice or judge may require, served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address which appears in the register certified by the inspectors of election, proceed to convene the board of inspectors as provided herein for adding a name, and may order such board to strike such name from such register of electors, and such register shall be corrected accordingly.

Note to be made on registers of names added or stricken off. See § 30.

§ 32. Forms for registration.—Subdivision one. The board of inspectors of each election district in the state shall, at their meetings for registration for the general election in each year, make

a quadruplicate register—one copy by each inspector—in the forms hereinafter prescribed in this subdivision and in subdivision two of this section, of those persons, and none other, who are or will be qualified to vote in such district at such election, which register, when finally completed, shall be the register of electors of the district for such election. Such register shall also be used at all other elections held in such district during the year succeeding the election for which it is made, except for town meetings and village elections for which no registration is required. In all election districts in which personal registration of all electors is required, the register shall be arranged in nineteen columns and the leaves thereof shall be indexed from A to Z. In the first column of such register there shall be entered at the time of the completion of the registration on the last day for registration, a number opposite the name of each number so enrolled, beginning with “1” opposite the first name entered on the page indexed A and continuing in numerical order to and including the last name entered upon the last page of such register. On each day of registration there shall be entered in the second column thereof the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname and in the third column the christian name or names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence or a brief description of the locality thereof. In the sixth column shall be entered the number of the floor or room occupied by the elector at the residence given by him, and in the seventh column shall be entered his age, in the eighth, ninth and tenth columns shall be entered his length of residence by years, months and days as the case may be in the state, county and election district, respectively; and in the eleventh column shall be entered the country of his nativity, which shall mean the country, state or province of the elector’s birth, irrespective of his former political allegiance. In the twelfth column, if he be a naturalized citizen, shall be entered

the date of the naturalization certificate under which he claims citizenship and in the thirteenth column shall be entered the designation of the court issuing such naturalization certificate. In the fourteenth, fifteenth and sixteenth columns shall be entered respectively the name of the state, the city or town and the number and name of the street or avenue of the residence of such person from which he last registered or voted. In the seventeenth column shall be entered the date of the registration of the elector. The eighteenth column shall be reserved for entering the consecutive number on the stub of the official ballot voted by the elector on election day. In the nineteenth column shall be entered, opposite the name of each elector, under the heading "remarks," the facts regarding challenges, oaths and other facts affecting such elector required to be recorded. (*Thus amended by chap. 113, L. 1901.*)

For entries under head of "remarks," see § 30 and § 34, subds. 2, 3, 6 and 7.

Registers, certificates, etc., to be furnished each election district by secretary of state through county clerks, etc., see § 36, subd. 1.

Subdivision 2. In all election districts in which personal registration of all electors is not required the register shall be arranged in eight columns. In the first column of such register there shall be entered at the time of the completion of such registration on the last day thereof, a number opposite the name of each person so enrolled, commencing with "1" and continuing in numerical order. On each day of registration there shall be entered in the second column thereof surnames of such persons in the alphabetical order of the first letter thereof, and in the third column the christian names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence, and a brief description of the locality thereof. In the sixth column shall be entered the date on which the elector was registered. The seventh column shall be reserved for entering the consecutive number on the stub of the official ballot voted by the elector on election day. In the eighth column shall be en-

tered opposite the name of each elector, under the heading of "remarks," the facts regarding challenges, oaths and other facts affecting such elector required to be recorded. (*Thus amended by chap. 630, L. 1899.*)

Subdivision 3. In cities of the first and second class, the board of inspectors of each election district shall, immediately after the close of the last day of registration, make and complete one list of all persons enrolled in their respective districts, in the numerical order of the street numbers thereof, which list shall be signed and certified by the board of inspectors. Such list shall be delivered by the chairman of the board of inspectors to the police captain of the precinct in which the election district is located, or an officer thereof, who shall forthwith deliver the same, if in the city of New York, to the board of elections and if in any other of the cities of the first class to the city clerk or in cities of the second class, to the county clerk of the county in which such city is located. The board of elections of the city of New York and the city clerk of other cities of the first class and the county clerk in the said cities of the second class shall, as soon as possible after the delivery of such lists, and not less than six days prior to the day of election, print in pamphlet form for each assembly district or ward within such respective cities not less than fifty times as many copies of said list as there are election districts in such assembly district or ward, so that each assembly district or ward pamphlet shall contain the lists of the several election districts in such assembly district or ward. Upon the written application of the chairman of the executive committee of the county committee of any political party entitled to a separate column upon the official ballot to be voted in such city at the election for which the registration is made, the said board and said city clerk and said county clerk shall respectively deliver to such chairman five copies of each assembly district or ward pamphlets for each election district within such assembly district or ward in such county. Two pamphlets containing the lists of the registered persons in the election districts within his precinct shall be fur-

nished to each police captain in such cities, and it shall be the duty of such police captains to forthwith cause an investigation of each name registered therein to be made and to report to his commanding officer and to the board of elections any case of false registration found in his precinct. The remaining pamphlets so printed shall be distributed in the discretion of the said board, and said city clerk and said county clerk, who shall have respectively the power to charge for each pamphlet a sum not exceeding ten cents a copy and any moneys resulting from the sale thereof shall be paid to the comptroller of the city for the benefit of the treasury of such city. The board of elections shall contract for the printing of such lists of registered voters with whomsoever it may seem to said board to be most advantageous to so contract, but such contract shall only be awarded after proper public notice and to the lowest bidder. Such lists shall be made and printed as near as may be in the following form, to wit:

GRAND STREET.

Residence number or
other designation.

Name of voter.

14.

Smith, John M.

15.

Jones, Charles M.

(Thus amended by chap. 95, L. 1901.)

§ 33. **Method of registration.**—Subdivision 1. In cities and in villages having five thousand inhabitants or more, the names of such persons only as personally appear before the inspectors, and who are or who will be at the election for which the registration is made, qualified electors, shall be enrolled upon the register at a meeting for registration for a general election, except that whenever any election district in a village having five thousand inhabitants or more shall embrace within its boundaries, territory without the limits of such village, the inspectors shall, at their first meeting for registration for a general election, place upon such register the names of all persons appearing on the register of the last preceding general election, who resided without the limits of such village, but within the election district, who voted at such

last preceding general election, except the names of such electors who are proven to the satisfaction of such inspectors to have ceased to be electors since such general election, or have moved within the limits of such village. They shall also place upon such register, at their first and subsequent meetings, the names of all other persons known or proven to their satisfaction, who are or will be entitled to vote at the election, who reside within such election district, but without the limits of such city or village.

Subdivision 2. At the first meeting for registration in all election districts where only two meetings for the enrollment of electors are held for any general election, as provided in section thirty of the election law, the inspectors shall at such first meeting, place upon the register the names of all persons who voted at the last preceding general election, as shown by the register or poll book of such election, except the names of such electors as are proven to the satisfaction of such inspectors to have ceased to be electors in such district since such general election, and also at said first meeting and at the second meeting, they shall place on the register the names of all persons known or proven to the satisfaction of the inspectors, who are, or will be, entitled to vote at the election for which such registration is made. (*Renumbered by chap. 630, L. 1899.*)

Subdivision 3. At the meeting of the board of inspectors in a city or village having five thousand inhabitants or more, for revising and correcting the register for any election other than a general election, the inspectors shall retain upon the register of their respective districts, the names of all persons qualified to vote at such election in such district, which appear upon the register of electors for the last preceding general election in such election district, except the names of such electors as are proven to the satisfaction of the inspectors to have ceased to be electors of such district since their names were placed upon such register, and shall, at such meeting, add only to such register the names of the persons qualified as electors, who shall personally appear before the board. If, however, such elector resides within such election district, but without the limits of such village his name

shall be placed upon such register, if it is shown to the satisfaction of such board that he is entitled to vote therein. In cities of the first class any elector who was enrolled upon the register in an election district of such city at the last preceding general election, and who since that time shall have removed into another election district in the same city, and who is otherwise qualified to vote at such special election, shall, upon demand, receive from the board of inspectors of the district in which his name was enrolled for such last preceding general election, a certificate duly signed by the said board of the fact that his name was upon such register, and has been erased therefrom because of such removal, and his name shall thereupon be erased from such register. Upon presentation of such certificate by the elector to the board of inspectors of the election district in which he resides, his name shall be placed upon the register for such district. The inspectors must note upon the register opposite the name of such elector, the fact of such certificate of removal, specifying the election district from which he has removed. They shall carefully attach such certificate to the register. No elector shall cause his name to be placed upon the register of an election district for any election other than a general election, while his name shall appear upon the register of another district to be used at such election. Any person who shall violate this provision is guilty of a felony, and upon conviction shall be punished by imprisonment in a state prison for not less than two or more than five years. In all election districts other than in cities or in villages of five thousand inhabitants or more, the board of inspectors in preparing for an election other than a general election shall add to the register for the last preceding general election, the names of such electors as they know are or are satisfied by proof will be, on the day of such election, entitled to vote thereat, and shall strike therefrom the name of all persons whom they know or are satisfied by proof have ceased to be qualified electors of such election district. No registration of electors shall be required for town or village elections. (*Re-numbered by chap. 630, L. 1899.*)

§ 34. **General provisions.**—Subdivision 1.—**Qualification of elector.**—A person is a qualified elector in any election district for the purpose of having his name placed on the register if he is or will be, on the day of the election, qualified to vote at the election for which such registration is made. A qualified elector is a male citizen who is or will be on the day of election twenty-one years of age, who has been an inhabitant of the state for one year next preceding the election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote. If a naturalized citizen, he must, in addition to the foregoing provisions, have been naturalized at least ninety days prior to the day of election.

Subdivision 2. For the purpose of registering and voting no person shall be deemed to have gained or lost a residence, by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, or institution wholly or partly supported at public expense, or by charity; nor while confined in any public prison. Any person claiming to belong to any class of persons mentioned and referred to in this subdivision shall file with the board of inspectors at the time of registration a written statement showing where he is actually domiciled, his business or occupation, his business address, and to which class he claims to belong. Such statement shall be attached to the register, and be open for public inspection, and the fact thereof shall be noted in the register opposite the name of the person so enrolled.

Subdivision 3. **Illiterate and disabled electors.**—If, at any meeting for the registration of electors, any person entitled to be registered and of whom personal registration is required, shall declare to the board of inspectors at the time he applies for registration, that he is unable to write by reason of illiteracy, or that he will be unable to prepare his ballot without assistance

by reason of blindness, or of such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, loss of both hands, or such total inability of both hands that he cannot use either hand for ordinary purposes, or that he will be unable to enter the voting booth without assistance by reason of disease or crippled condition, the nature of which he must specify, it shall be the duty of the said board of inspectors to administer an oath to such person in the following language, namely: "You do solemnly swear (or affirm) that you will be unable to prepare your ballot without assistance, because," and after the word "because," continuing with a statement of the specific disease or crippled condition assigned by the person as the cause of his alleged disability, and the said inspectors and each of them shall make a note upon the register of each instance in which such oath is administered, and of the cause or reason so assigned.

Subdivision 4. If any elector after being enrolled, shall change his place of residence within the same election district, he may appear before the board of inspectors of such district on any day of registration, or on the day of election, and state under oath that he has so changed his residence, and the board of inspectors shall thereupon make the proper correction upon the register of such district.

Subdivision 5. No part of a day fixed for the registration of electors shall be deemed a holiday so as to affect any meeting or proceeding of the board of inspectors for registration.

Subdivision 6. **Challenges to applicants for registration.**—The secretary of state shall prepare and cause to be printed on good writing paper in book form wherever he deems it desirable for the best interests of the state, at least one hundred blank challenge affidavits for each election district in cities and at least fifty such blanks for each election district outside of cities and shall transmit to each county clerk, board or other officers to whom or which he is required to deliver the register of electors and at the same time and in the same manner as such register of electors are transmitted a sufficient number

of such books of blank challenge affidavits as shall provide one such book for each board of inspectors in each county, and such officers shall transmit the said books to the respective boards of inspectors in the same manner and at the same time as the register of electors. The secretary of state shall also furnish to such clerk or board an additional number of such books of challenge affidavits, and copies thereof as hereinafter provided, which in his judgment are necessary to replace lost or damaged books and to provide extra books to any election district in which the supply may be exhausted during the registration of electors. Such extra books shall be furnished by such clerk or board to the inspectors upon application by the inspectors or any citizen. Each challenge affidavit shall have a stub attached thereto and separated from such affidavit by a perforated line with a space on such stub for writing the name and the address of the challenged person and both the stub and affidavit shall bear the same printed number and shall be numbered in consecutive order therein, beginning with number one. Such challenge affidavit shall be printed in the following form, to wit:

(Stub)

Name of applicant

Address

(Perforated line.)

.....

CHALLENGE AFFIDAVIT.

State of New York }
County of } ss:

Election District

Assembly District

or Ward.

City (or town) of

What is your true name?.....

Where do you actually reside?

Under what name are you known at that address?

Are you a householder?,.....

What is the name of the householder with whom you reside?

.....

What is the character of the house in which you reside? (By character is meant whether it is a hotel, lodging house, tenement furnished room house, or private dwelling.).....

.....

How old are you?

Where were you born?

If naturalized, give name of court issuing and date of certificate?

What is your occupation?.....

What is the name of your present employer?.....

Where is his place of business?.....

What is the name of your last employer?

Where is or was the place of business?.....

When did you last register or vote?.....

From what address did you last register or vote from?.....

City or town..... Street and number

How long have you been an inhabitant of this state?

How long have you been a resident of this county?.....

How long have you been a resident of this election district?

.....

Are you married or single?.....

If married, where does your family reside?.....

If single, where do your parents reside?.....

How long do you contemplate residing in this election district?

.....

Give place or places by street and number, the city, town or village of your residence or residences during the past four months

Where did you actually reside immediately prior to taking up your present residence?.....

Have you ever been convicted of felony?.....

If so; have you been pardoned and restored to all the rights of citizenship?.....

When? By whom?

Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?

Have you received or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for registering or for giving your vote or refraining from voting at the next election?

Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?

I, the undersigned, do hereby solemnly swear (or affirm) that the answers to the above questions were given by me and that they are true answers to such questions.

(Signature of applicant.)

Description of applicant.

Height Color of hair

Weight Hair on face

Color Kind of nose

Marks on face or hands

Distinguishing marks

I, the undersigned, an inspector of election of the above designated election district, do hereby certify that the within named person did on this day, personally appear before the board of inspectors of this election district and did make application to have his name enrolled upon the register of electors of this said election district; that he was challenged and was sworn by me and did make the answers set opposite the printed questions upon this affidavit and signed the same in my presence.

Dated this.....day of October, 190..

Name Residence

Inspector of election.....

(To be signed by the inspector administering oath to applicant.)

Witnesses.

Name Residence Inspector of Election.

Name Residence Inspector of Election.

Name Residence Inspector of Election.

(Board of inspectors.)

Name of challenger

Residence of challenger

Any person who applies personally to any board of inspectors for registration for any election may be challenged by any qualified elector, present. If such applicant be so challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to have his name enrolled on such register, the chairman of the board of inspectors, or any member of such board is hereby authorized to and shall administer to such applicant the following oath: You do solemnly swear (or affirm) that you will true answers make to the questions touching upon qualifications as an elector and such other questions as may be put to you tending to establish your identity and one of the inspectors shall thereupon read to such challenged person each and every question printed upon the challenge affidavit herein provided for and shall enter in ink opposite each question the answer thereto given by such applicant. The applicant shall subscribe his name to such challenge affidavit, which shall also be subscribed to by the inspector administering the above oath and as witnesses by the other inspectors present, who shall certify over their names, the fact that the applicant did apply for registration, that he was duly sworn and that the answers set opposite the printed questions are the true answers given to such questions by the challenged applicant. Inspectors shall also enter in the place provided on the challenge affidavit a description of the person challenged and the name and address of the person challenging. If the applicant shall by his answers satisfy a majority of the board of inspectors of his right to be registered, they shall enroll his name as an elector; if not, they shall point out to him the qualifications which he lacks as an elector and his name shall not be enrolled upon such register

except as provided by section thirty-one of this act, and upon any such proceeding the challenge affidavit of such applicant shall be submitted in evidence to such court, justice or judge. If the applicant shall refuse to make oath to the questions put to him and the answers given thereto by him or shall refuse to answer any questions upon the challenge affidavit his name shall not be placed upon the register, or if recorded thereon previous to his ascertained disqualifications as an elector, the inspectors shall enter in the remark column after such name the word disqualified and no persons shall be allowed to vote on such name at the election. Any applicant for registration, inspector or other person who shall incorporate or cause to be incorporated any false statement in such challenge affidavit shall be deemed guilty of perjury. At the close of each day of registration the inspectors of election shall detach from the stubs the challenge affidavits signed by the persons challenged during the day and in cities shall deliver them to the police captain of the precinct in which the election district is located or to an officer thereof, and such police captain or commanding officer of such precinct shall immediately cause an investigation of the truth of such affidavit to be made, and if such investigation shall prove the same to be false in any particular affecting the right of the challenged person to register or vote, the said officer shall deliver the same to the district attorney of the county, together with the evidence of the falsity of such affidavit, and the district attorney shall forthwith present the same to the grand jury of such county. In election districts outside of cities such affidavit shall be delivered by the inspectors to the sheriff of the county who shall proceed in like manner, provided, however, that in the election districts within the metropolitan elections district all such challenge affidavits shall be delivered by the police or sheriff forthwith at the close of each day of registration to the state superintendent of elections for the metropolitan elections district, who shall proceed in like manner. When the name of a person who has signed a challenge affidavit, shall be enrolled on the register, the inspectors shall enter in the column headed remarks on such register opposite such name the word affidavit,

giving the consecutive number printed on such affidavit. At the close of the last day of registration the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received by the inspectors and such officer shall preserve it in his office. The secretary of state shall also furnish for each election district within the metropolitan elections district a duplicate book of challenge affidavits but without stubs; each of which affidavits shall be printed with the words official copy of above the words challenge affidavit printed thereon, and there shall be printed upon the outside cover of each such book the words copy book of challenge affidavits, together with proper instructions to the inspectors of election regarding the same as herein provided. Such duplicate books of challenge affidavits shall be delivered to the board of inspectors of election within the metropolitan elections district at the same time and in the same manner as the original book of challenge affidavits. The inspectors of election, or one of them designated by the chairman of the board, of the election districts within the metropolitan elections district shall, at the time of filling out and signing of any challenge affidavit as heretofore provided, make a duplicate of such challenge affidavit, upon the copy of the challenge affidavit numbered to correspond with the original challenge affidavit. The duplicate book of challenge affidavits shall be in the custody of the chairman of the board of inspectors until the close of the polls of the election for which the registration is made, when it shall be filed together with the book of unused original challenge affidavits and stubs in the office of the board or officer delivering the same to the board of inspectors. Except as hereinafter provided any person who shall wilfully suppress, alter, destroy or mutilate any signed challenge affidavit or official copy thereof shall be deemed guilty of a felony. The officer or board with whom the original challenge affidavit or copies thereof are filed may destroy the same six months after the date of the election for which they were made, except those which are to be used in any criminal prosecution. (*Thus amended by chap. 544, L. 1901.*)

Subdivision 7. Record of challenges.—If, at a meeting of the board of inspectors for registration, any elector shall, upon oath, declare that he has reason to believe that any person on the register of electors will not be qualified to vote at the election for which the registration is made, the board of inspectors shall place the words “to be challenged” opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualification shall be administered to him, and if he shall refuse to take such oath he shall not be permitted to vote.

Subdivision 8. Production of naturalization papers.—It shall be the duty of every naturalized citizen before being registered to produce to the inspectors, if any inspector shall require, his naturalization papers or a certified copy thereof for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to the year eighteen hundred and sixty-seven. If, however, such naturalized citizen can not for any reason produce his naturalization papers, or a certified copy thereof, the board of inspectors, or a majority of such board may place the name of such naturalized citizen upon the register of electors upon his furnishing to such board evidence which shall satisfy such board of his right to be registered.

Subdivision 9. Any person knowingly taking a false oath before the board of inspectors, shall upon conviction thereof be punished as for willful and corrupt perjury.

Subdivision 10. Persons excluded from the right of suffrage.—No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or any other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or for registering or refraining from registering as an elector, or who shall make any promise to influence the giving or withholding any such vote or registration, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of an election, shall vote at such election. No person who has been convicted of a felony shall

have the right to register for or vote at any election unless he shall have been pardoned and restored to the rights of citizenship. (*Added by chap. 654, L. 1901.*)

Subdivision 11. When a town or village election is held at the same time with a general election all electors in such town or village to be entitled to vote at such town or village election must be registered as provided by law for the enrollment of electors for any general election in such town or village. (*Added by chap. 405, L. 1902.*)

§ 35. Subdivision 1. Certification and custody of register.—At the close of each meeting for the registration of electors, for a general or other election in a city, or in an election district wholly within a village, having five thousand inhabitants or more, the inspectors shall append to each book of registration their certificate, to the effect that such register as it now is comprising (here insert the number) names, is a true and correct register of the names and residences of all the electors qualified to vote at such election in such district, who have personally appeared before the board of registration, and such registers so certified shall be presumptive evidence that the names and places of residence contained therein are the names and places of residence given by the persons registered respectively. At the close of each meeting for the registration of electors for a general or other election elsewhere than in a city, or in a district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration a certificate to the effect that such register as it now is, comprising (here insert the number) names, is a true and correct register of all electors qualified to vote at such election in such district, who have personally applied for registration, or whose names the board was required by law to place thereon. Each such certificate shall be signed by all the inspectors, but in case one inspector required to sign such certificate shall fail for any reason so to do, he may be required by the officer with whom such register is filed to sign such register at a subsequent date. In all cases a majority of the inspectors must sign such certificate at the close of each day of registration.

Subdivision 2. Method of entry and filing of registry.—The register of electors made by the chairman of the board of inspectors shall be, and shall be known, as the public copy of registration.

Such public copy shall be left in a prominent position in the place of registration from the first day of registration until election day, and shall at all reasonable times be open to public inspection and for making copies thereof. Each other inspector shall carefully preserve his register of electors and shall be responsible therefor, until the close of the canvass of the votes on election day, except as hereinafter provided for in cities of the first class. At the close of each day of registration the inspectors shall draw a line in ink immediately below the name of the elector last entered upon each page of each such register. Upon the succeeding day of registration, they shall enter the names of electors in the alphabetical order of the first letter of the surname below the line so drawn upon the proper page after the close of the previous day of registration. Upon the close of the last day of registration, the inspectors shall again carefully compare all the books of registration, to see that they are identical as to their contents, and shall certify, as a board, in the proper place provided therefor upon each such register that such register is a true and correct register of persons enrolled by them in such district for the next ensuing election, and shall state the whole number of such persons so enrolled. In cities, of the first class at the close of the last day of registration, the chairman of the board of inspectors shall take from an inspector of opposite political faith from himself, the register of elections made by such inspector, and deliver it to the police, who forthwith shall file the same if in the city of New York, with the board of elections in the borough of Manhattan and with the chief clerk of the branch office of the board of elections of each other borough in which the election district is located; and if in any other city with the city clerk. Such registers so filed, shall be a part of the records of the offices in which it is filed. The two other inspectors of opposite political faith from each other shall each retain their respective registers of electors for use on election day. All registers of electors shall at all reasonable hours be accessible for public examinations and making copies thereof, and no charge of any kind shall be made for such examination or for any elector making a copy thereof. In cities of the first class

the public copy of registration shall be used, if necessary, on election day by the inspector whose register was filed as herein provided by said chairman. Any person who shall alter, mutilate, destroy or remove from the place of registration the public copy of such registration, shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two nor more than five years, unless otherwise provided by law. If, in cities the board of inspectors shall meet on the second Saturday before the election for the purpose of revising and correcting the register of electors in pursuance of an order of the supreme court, a justice thereof or a county judge, as provided in section thirty-one of the election law, the inspectors shall certify forthwith to the officer with whom the copy of the register is filed, the change or changes made upon such register in pursuance of such order. At any revision of registration for an election other than a general election, the quadruplicate register of electors for the last preceding general election shall be furnished to the inspectors of election by the officer or board having the custody thereof, and the inspectors shall certify to the officer or board in cities of the first class with whom the registers are filed, the changes, additions, or alterations made in such registers for such election. In the cities of the first class at the close of the canvass of the votes of any election, or within twenty-four hours thereafter the two copies of the register of electors used by the inspectors and the public copy thereof shall be filed respectively with the board of elections in the borough of Manhattan and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York, in which the election district is located, and with the city clerk of Buffalo. In all election districts other than in cities of the first class, one copy of the register used on election day by the inspectors shall within twenty-four hours after the close of the election be filed in the office of the town or city clerk of the town or city in which such election district is, and the other copies with the county clerk. It shall be the duty of the officers with

whom such registers of the election districts within the metropolitan elections district, are filed to forthwith file one copy of such register for each election district with the state superintendent of elections for the metropolitan elections district. Such register of electors shall be carefully preserved for use at any election which may be ordered or held in either of such counties or cities, respectively, prior to the next ensuing general election at which they may be required. (*Thus amended by chap. 95, L. 1901.*)

Subdivision 3. At the close of registration on the fourth day in the election districts in cities and villages of five thousand inhabitants or more and at the close of registration on the second day in other districts, the board of inspectors shall forthwith certify to the officer or board charged with the duty of furnishing ballots to such district, and in the election districts within the metropolitan elections district to the state superintendent of elections the total number of electors enrolled in such district. In cities inspectors of each district shall also furnish to the police at the close of each day of registration, the total number of electors enrolled on such day, in their respective districts. The police of the cities within the metropolitan elections district shall forthwith at the close of each day of registration file with the state superintendent of elections a certificate showing the total number of electors enrolled therein in the respective election districts thereof. (*Thus amended by chap. 630, L. 1899.*)

§ 36. Subdivision 1. **Delivery of blank books for registration certificates and instructions.**—The secretary of state shall purchase whenever he deems it desirable for the best interests of the state, a suitable number of blank books for register of electors, with blank certificates and brief instructions for registering the names of electors therein, in the forms respectively provided in subdivisions one and two of section thirty-two of the election law, at least four of such books for each board of inspectors in the state, and such number of extra copies thereof as in his judgment may be necessary for each county or city to replace lost or damaged registers before delivery to the inspectors. Such register of electors shall have the leaves thereof indexed with the

letters of the alphabet, beginning with the letter "A" for the first leaf, and so on. He shall transmit such registers, certificates and instructions to the county clerk of each county, except those counties the whole of which are included within The City of New York; to each such county clerk a sufficient number thereof for the use of the boards of inspectors within his county and to the board of elections of The City of New York, located in the borough of Manhattan, and to the chief clerk of the branch office of the board of elections in each other borough within The City of New York a sufficient number thereof for the use of each board of inspectors within said respective boroughs at least twenty days prior to the first day of registration for a general election in each year. The county clerk shall deliver such books to the town clerks of each town, and to the city clerk of each city in such county, by mail or otherwise, at least five days prior to the first day of registration, and such town clerk and city clerks, and the said board of elections and chief clerks of branch offices of the board of elections in The City of New York shall deliver such books to the inspectors of said boroughs, respectively, before the hour set for registering the names of electors on the first day of registration. On each day of registration, the board of elections of the city of New York, and the city clerk of Buffalo shall furnish to each board of inspectors in their respective cities, blanks for the list of electors provided for in subdivision three of section thirty-two of the election law. (*Thus amended by chap. 95, L. 1901.*)

Subdivision 2. Delivery of previous registers and poll books to inspectors.—Each town clerk with whom the register of the last preceding general election in any election district, elsewhere than in a city or wholly within a village having five thousand inhabitants or more, shall have been filed, shall cause such register and one of the poll books to be delivered to the board of inspectors of such district at the opening of its first meeting for the registration for any election. If a new election district shall have been formed in a town since such general election, the clerk of such town shall, before the first meeting for registration thereafter in such new election district, make a certified copy of each

register for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copy to be delivered to the board of inspectors of such new election district at the opening of such meeting for registration. Such board, at such meeting, shall place upon the register of electors all persons whose names are upon such copies who are qualified to vote in such election district at the election for which such meeting is held, except the names of persons who are required to personally appear for registration. If a new election district shall have been formed in a city since such general election, the clerk or board with whom the register of electors for such last preceding general election shall have been filed shall, before the meeting of the inspectors of election of such new district for registration for any other election, make a certified copy of each register of electors for such last preceding general election of each election district out of which such new election district is formed, and the inspectors of such new election district shall, at such meeting for registration for such election, place upon the register of electors the names of all persons upon such copies who are qualified to vote in such election district at the election for which such meeting is held.

ARTICLE III.

Primaries, Conventions and Nominations.

SECTION 50. Definitions of primary and convention.

51. Notice of primary.
52. Organization and conduct of primaries.
53. Qualifications of voters at primaries.
54. Duties of chairman of primary.
55. Watchers and canvass of votes at primaries.
56. Party nominations.
57. Independent nominations.
58. Places of filing certificates of nominations.
59. Times of filing certificates of nominations.
60. Certification of nominations by secretary of state.
61. Publication of nominations.
62. Lists for town clerks and aldermen.
63. Posting town and village nominations.
64. Declination of nomination.
65. Objections to certificates of nominations.
66. Filling vacancies in nominations.

§ 50. **Definitions of primary and convention.**—As used in this article, a convention is an assemblage of delegates representing a political party or independent body, duly convened for the purpose of nominating candidates for office, electing delegates to conventions, electing officers for party organizations, or for the transaction of any other business relating to the affairs or conduct of the party or independent body; and a primary is any other assemblage of voters of a political party or independent body duly convened for any such purpose.

§ 51. **Notice of primary.**—No primary shall be held in a city or village having a population of over five thousand, as shown by the last state or federal enumeration, unless at least two days' notice thereof shall be published in a daily newspaper in such city or village, of the same politics with the political party giving the notice at least twice; but if no such newspaper is published in the same city or village where such primary is to be held, such notice shall be published in a weekly newspaper, if any, in such city or village of the same politics of the political party giving the notice before such primary is held. But if no such daily or weekly newspaper be so published in such city or village, such notice shall be posted in at least six public places in such city or village at least two days prior to the holding of such primary. Such primary shall be opened at such hour between nine o'clock in the forenoon and nine o'clock in the afternoon, as may be prescribed by the political party or independent body holding the same. Elsewhere than in such a city or village, every primary shall be called and held pursuant to notice given according to the regulations and usages of the political party or independent body holding it.

§ 52. **Organization and conduct of primaries.**—Every primary held by any political party or independent body for the purpose of choosing candidates for office, or the election of delegates to conventions, or for the purpose of electing officers of any political party or independent body, shall be presided over and conducted by officers to be selected in the manner prescribed by the rules or regulations of the political party or independent body holding

such primary. If the rules and regulations of the political party or independent body calling it so require, or if it shall be, by a vote of the electors present, so resolved, or, if it be in a city or village having a population of over five thousand according to the last preceding federal or state enumeration, and five qualified electors of the district where it is held, belonging to the political party calling it, shall serve upon the secretary or chairman of the general committee of the party, or of its organization in such city or village, or upon the chairman of the district committee, a written demand, stating that they so require it, the following additional requirements, or such of them as may be specified in such demand, shall be complied with:

1. The chairman and other officers shall take the constitutional oath of office.

2. Candidates and delegates and officers of the organization or committee shall be chosen by ballot.

3. The meeting shall be held open not less than one hour for voting thereat.

4. The tellers shall keep a poll list of the name and residence of each person voting, and assist the secretary in the canvass of the votes.

5. An elector shall be appointed watcher for each candidate or set of candidates or delegates requesting the same.

6. The chairman shall publicly announce the number of votes cast for each candidate, and the result of the canvass at the completion thereof, and shall, if the primary be held in a city or village having a population of more than five thousand, as shown by the last preceding federal or state enumeration, file a statement of such results and the oath taken at such primary, and the poll list kept thereat in the office of the county clerk, if located in such city or village, and otherwise, in the office of the city or village clerk, and the papers so filed shall be public records and open to inspection and examination by any elector of the state.

§ 53. Qualifications of voters at primaries.—No person shall be entitled to vote at any primary unless he may be qualified to vote for the officers to be nominated thereat on the day of elec-

tion. They shall possess such other qualifications as shall be authorized by the regulations and usages of the political party or independent body holding the same.

§ 54. **Duties of chairman of primary.**—The chairman may administer any oath required to be administered at any primary. He shall decide all questions that arise relating to the qualifications of voters when the voter is challenged by an elector and shall reject such vote, unless the person offering the vote is willing to be, and shall be sworn, that he will truly answer all questions put to him touching his qualification as such voter, and shall state under oath that he is qualified to vote at such primary.

§ 55. **Watchers and canvass of votes at primaries.**—The ballot box used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass, and the signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

§ 56. **Party nominations; choice of emblems for ballot.**—Nominations made as provided by this section shall be known as party nominations, and the certificate by which such nominations are certified shall be known as a party certificate of nomination. Party nominations of candidates for public office can only be made by a convention, or by a duly authorized committee of such convention of a political party which at the last preceding general election before the holding of such convention at which a governor was elected, cast ten thousand votes in the state for such officers; provided, however, that party nominations of candidates for public office to be voted for only in a town, or ward of a city, or a village or subdivision thereof, can only be made by a convention or primary or by a duly authorized committee of such convention or primary of a political party, which, at the last pre-

ceding general election before the holding of such convention or primary at which a governor was elected cast ten thousand votes in the state for such officer. The party certificate whereby such party nominations are certified shall contain the title of the office for which each person is nominated, the name and residence of each such person, and, if in a city, the street number of the residence of each such candidate and his place of business, if any. It shall also designate, in not more than five words, the name of the political party which the convention, primary or committee making such nomination represents. It shall be signed by the presiding officer and a secretary of such convention or primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signature their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such convention or primary, or that they are members and constitute a majority of such committee, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken, and attached to such certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention or primary which authorized such committee to make such nomination. A certificate of nomination filed pursuant to this section may upon its face appoint a committee of one or more persons for the purposes specified in section sixty-six of this act. When a party nomination is made by a state convention of a candidate or candidates to be voted for by the electors of the entire state, it shall be the duty of such convention to select some simple device or emblem to designate and distinguish the candidates of the political party making such nominations or nomination. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the presiding officer and a secretary of said convention, which certificate shall be filed with the secre-

tary of state, and such device or emblem, when so filed, shall in no case be used by any other party or independent body. When any independent body shall make a like nomination, as provided by the fifty-seventh section of this act, it shall be the duty of the persons who shall sign and execute the certificate of nomination of such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish the candidate of such independent body making such nomination, and such device or emblem shall be shown by the representation thereof upon a certificate signed and duly executed by the proper parties authorized for that purpose. The device or emblem so chosen, when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same political party or independent body nominated by such political party or independent body, or duly authorized committee, or primary thereof, in all districts of the state, and shall continue to be used to designate and distinguish the candidates of such political party or independent body in all the districts of the state until changed by the state convention of the political party or independent body choosing such device or emblem. The device or emblem chosen, as aforesaid, may be the representative of a star, an animal, an anchor, or any other appropriate symbol, but neither the coat of arms nor seal of any state, nor of the United States, the national state or national flag, nor any religious emblem or symbol, nor the portrait of any person, nor a representation of a coin or of the currency of the United States shall be chosen as such distinguishing device or emblem. If the certificate of nomination of two or more different political parties or independent bodies shall designate the same, or substantially the same, device or emblem or party name, the officer with whom the certificates of nominations are filed shall decide which of said political parties or independent bodies is entitled to the use of such device, or emblem, or party name, being governed as far as may be, in his decision by priority of designation in the case of the device or emblem, and of use in the case of the party name. If the other nominating body shall present no other device or party name after

such decision, such officer shall himself select for such other nominating body another device or party name, so that no two different parties shall be designated by the same device or party name. If there be a division within a party, and two or more factions claim the same, or substantially the same device or name, the officer aforesaid shall decide between such conflicting claims, giving preference of device and name to the convention or primary, or committee thereof, recognized by the regularly constituted party authorities. Any questions arising with reference to any device, or to the political party or other name designated in any certificate of nomination filed pursuant to the provisions of this section, or of section fifty-seven of this article, or with reference to the construction, validity or legality of any such certificate, shall be determined in the first instance by the officer with whom such certificate of nomination is filed. Such decision shall be in writing, and a copy thereof shall be sent forthwith by mail by such officer to the committee, if any, named upon the face of such certificate, and also to each candidate nominated by any certificate of nomination affected by such decision. The supreme court, or any justice thereof, within the judicial district, or any county judge within his county, shall have summary jurisdiction upon complaint of any citizen, to review the determination and acts of such officer, and to make such order in the premises as justice may require, but the final order must be made on or before the last day fixed for filing certificates of nomination to fill vacancies with such officer as provided in subdivision one of section sixty-six of this article. Such a complaint shall be heard upon such notice to such officer as the said court or justice or judge thereof shall direct. If any certificate of nomination of candidates to be voted for by the electors of the entire state, filed with the secretary of state, pursuant to the provisions of this act, shall omit to designate a device or emblem to distinguish the candidates of the political party or independent body making such nomination, it shall be the duty of the secretary of state to select a device or emblem for that purpose, and such device or emblem so chosen shall be used to distinguish all candidates of that party or independent body throughout the state, whether such candidates are

nominated for state, or for local offices; and if any certificate of nomination of candidates to be filled by the electors of a district less than the entire state shall be filed with the secretary of state, or with any public officer pursuant to this article, by a political party or independent body which has made no nomination of candidates for offices to be filled by the electors of the entire state, and such certificate of nomination shall omit to designate a device or emblem to distinguish the candidates nominated in such certificate, it shall be the duty of the secretary of state or other public officer with whom such certificate of nomination is filed, to select a device or emblem to represent the candidates named in such certificate of nomination. (*Thus amended by chap. 654, L. 1901.*)

§ 57. Independent nominations.—Nominations made as provided by this section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Independent nominations of candidates for public office to be voted for by all the electors of the state can only be made by six thousand or more voters of the state; provided, however, that in making up such number at least fifty electors in each county of the state (the counties of Fulton and Hamilton to be considered as one county) shall subscribe to the certificate provided for in this section. Independent nominations of candidates for municipal offices to be voted for by all the electors of a municipality can only be made if in a city of the first class by two thousand electors of such city; if in cities of the second class by one thousand electors of such city, and in other cities by five hundred electors thereof. Independent nominations of candidates for a county office in a county in which there is a city of the first class can only be made by two thousand electors of such county. Independent nominations of candidates for public office other than municipal offices to be voted for in a district less than the whole state, but greater than a town or ward of a city, can only be made by one thousand electors or more of the district, except that five hundred voters or more of an assembly or school commissioner district, may make such nomination for member of

assembly or school commissioner to be voted for in such district. Independent nominations of candidates for public office to be voted for only by the electors of a town, or a ward of a city, or a village, can only be made by one hundred electors or more of such town, ward or village, except that when such town, ward or village constitutes an assembly or school commissioner district, five hundred or more electors shall be required as above to make such nomination for member of assembly or school commissioner. Independent nominations shall be made by a certificate subscribed by such electors, each of whom shall add to his signature his place of residence and make oath that he is an elector and has truly stated his residence. The making of the said oath shall be proved by the certificate of the notary or other officer before whom the said oath is taken, and it shall be unnecessary for an elector who has subscribed a certificate of nomination as herein provided, to sign any affidavit as to the matter to which he has made oath as aforesaid. The certificate hereinbefore provided for of the notary or other officer shall be in the following form substantially:

State of New York, } ss:
County of..... }

On the _____ day of _____ in the year _____ before me personally came (here shall be inserted the names of each and every elector appearing and making oath before the said officer), each of whom was to me personally known and known by me to be the elector whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing electors being by me duly and severally sworn did make oath that he is an elector and has truly stated his residence, and that it is his intention to support at the polls the candidacy of the person or persons nominated for public office in the foregoing certificate of nomination.

(Signature and official title.)

The certificate of nomination and each separate paper thereof, if there be more than one such paper, shall contain the following declaration which shall be subscribed to by the signers thereof:

We the undersigned duly qualified electors of the district for which the nomination for public office is hereby made under the provisions of section fifty-seven of the election law do hereby declare that it is our intention to support at the polls the candidacy of the person or persons herein nominated for public office. The certificate shall also contain the titles of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and his place of business, if any; and shall designate in not more than five words the political or other name which the signers shall select, which name shall not include the name of any organized political party. All independent certificates of nomination shall, upon their face, designate and select a device or emblem to represent and distinguish the candidate of the independent body making such nominations, as provided, by the fifty-sixth section of this act. A certificate may designate upon its face, one or more persons as a committee to represent the signers thereof, for the purposes specified by section sixty-six of this act. The signatures to the certificate of nomination need not all be appended to one paper. No person shall join in nominating more candidates for any one office than there are persons to be elected thereto, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. (*Thus amended by chap. 654, L. 1901.*)

§ 58. Places of filing certificates of nomination.—Certificates of nomination of candidates for office to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by the county clerk of Fulton county, shall be filed in the office of the county clerk of Hamilton county, so long as the said counties constitute one assembly district, and except that certificates of nomination of candidates for offices to be filled only by the electors or a portion

of the electors of the city of New York shall be filed with the board of elections of the city of New York. Certificates of nomination of candidates for offices to be filled only by the votes of electors, part of whom are of New York city, and part of whom are of a county not wholly within the city of New York shall be filed with the clerk of such county and in the office of the board of elections of said city. Certificates of nomination of candidates for offices of any other city to be elected at the same time at which a general election is held shall be filed with the clerk of the county in which such city is located. Certificates of nomination of candidates for offices of any other city, or for officers of a village or town to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town, respectively. In towns in which town meetings are held at the time of general elections, certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for, and the other with the clerk of the county in which such town is located. All other certificates of nomination shall be filed with the clerk of the county in which the candidates so nominated are to be voted for. All certificates and corrected certificates of nomination, all objections to such certificates and all declination of nominations are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit without delay, every such paper or papers to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by certificates filed in the office of such officer or board, or certified thereto, the title of the office for which any such nomination is made, the political or other name and emblem of the political party or independent body making such nomination; and in which shall also be stated all declinations of nominations or objections to nominations, and the time of filing each of the said papers. (*Thus amended by chap. 405, L. 1902.*)

§ 59. The times of filing certificates of nomination.—The different certificates of nomination shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state,

if party nominations, at least thirty and not more than forty days; if independent nominations, at least twenty-five days and not more than forty days; those required to be filed with a county clerk, or the board of elections of the city of New York, or with the city clerk of any other city, if party nominations, at least twenty-five and not more than thirty-five days; if independent nominations, at least twenty, and not more than thirty-five days; those required to be filed with a town or village clerk, if party nominations, at least fifteen and not more than twenty days; if independent nominations, at least ten and not more than twenty days. Except that in towns where town meetings are held at the time of general elections, certificates of nomination for town offices, shall be filed with the town and county clerks, within the time required by this section for the filing of certificates of nomination with the county clerk. In case of a special election ordered by the governor under the provisions of section four of the election law, the certificates of nominations for the office or offices to be filled at such special election shall be filed with the proper officer or boards not less than fifteen days before such special election. (*Thus amended by chap. 405, L. 1902.*)

§ 60. Certification of nominations by secretary of state.—The secretary of state shall, fourteen days before the election, certify to the county clerk of each county, except those counties the whole of which are within The City of New York, and to the board of elections of the city of New York, the name, residence and place of business, if any, of each candidate nominated in any certificate so filed for whom the electors of any such county or said city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party or independent body making such nominations. (*Thus amended by chap. 95, L. 1901.*)

§ 61. Publication of nominations.—At least six days before an election to fill any public office the county clerk of each county, except those counties which are wholly within the city of New York, shall cause to be published in not less than two or more than four newspapers within such county and in any county having one hundred thousand or more inhabitants, adjoining a city having a population of one million or more, in not less than six

nor more than ten newspapers, a list of all nominations of candidates for offices to be filled at such election, certified to such clerk by the secretary of state, or filed in the office of such clerk. The board of elections of the city of New York shall, within the same time before an election to fill any public office, cause to be published in two newspapers published in each borough within such city a list of the nominations of candidates for offices to be voted for at such election in such boroughs respectively, which were certified to such board by the secretary of state, or filed in the office of such board, and in the borough of Brooklyn the board of elections shall cause such publication to be made in the newspapers designated as corporation newspapers of said borough. Such publication shall contain the name and residence, and if in a city, the street number of the residence and place of business, if any, and the party or other designation of each candidate, and a fac simile of the emblems or devices selected and designated as prescribed by the fifty-sixth and fifty-seventh sections of this act, to represent and distinguish the candidates of the several political parties or independent bodies. The city clerk of each city except New York, and the board named in such cities, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publications to be made as to candidates for offices to be filled at such city election in a like number of newspapers published in such city. One of such publications shall be made in a newspaper which advocates the principles of the political party that, at the last preceding election for governor, cast the largest number of votes in the state for such office; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the next largest number of votes in the state for such office. The clerk or board, in selecting the papers for such publications, shall select those which, according to the best information he can obtain, have a large circulation within such county or city. In making additional publications, the clerk or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties. The clerk or board shall make such publication twice in each newspaper so

selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the county clerk find it impracticable to make the publication six days before election day in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election. (*Thus amended by chap. 95, L. 1901.*)

§ 62. Lists for town clerks and aldermen.—The county clerk of each county, except those counties which are wholly within The City of New York, shall at least six days before election day, send to the town clerk of each town, and to an alderman of each ward in any city in the county, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, and the party or other designation, and also a fac-simile of the emblem or device of each political party, or independent body nominating candidates to be voted for by the electors of the respective towns and wards. Such lists shall, at least three days before the day of election be conspicuously posted by such town clerk or alderman in one or more public places in each election district of such town or ward, one of which shall be at each polling place. (*Thus amended by chap. 379, L. 1897.*)

§ 63. Posting town and village nominations.—Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with him to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election.

§ 64. Declination of nomination.—The name of a person nominated for any office shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination, or if nominated by more than one political party, or independent body, the name of a person so nominated shall not be printed on the ticket of a party or inde-

pendent body whose nomination he shall in like manner decline. If the declination be of a party nomination filed with the secretary of state, such notification shall be given at least twenty-five days, and if an independent nomination, at least twenty days before the election. If the declination be of a party nomination filed with a county clerk or the board of elections of the city of New York, or with the city clerk of any other city, such notification shall be given at least twenty days, and if of an independent nomination at least eighteen days before the election. If the declination be of a party nomination filed with a town or village clerk, such notification shall be given at least ten days, and if of an independent nomination, at least seven days before the election. Except that a declination of nomination to a town office in towns where town meetings are held at the time of general elections must be filed in the office of the county clerk, within the time required by this section for filing the declination of nomination to a county office, and the county clerk shall forthwith notify the town clerk in writing of such declination. The officer to whom such notification is given, shall forthwith inform by mail or otherwise, the committee, if any, appointed on the face of such certificate as permitted by sections fifty-six and fifty-seven of this act, and otherwise one or more persons whose names are attached to such certificate, that the nomination conferred by such certificate has been declined, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise, that such nomination has been declined, to the several county clerks or other officers, authorized by law to prepare official ballots for election districts affected by such declination. (*Thus amended by chap. 405, L. 1902.*)

§ 65. Objections to certificates of nomination.—A written objection to any certificate of nomination may be filed with the officer with whom the original certificate of nomination is filed within three days after the filing of such certificate. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such certificate for the purposes specified in section sixty-six of this act, and also to each candidate placed in nomination by such certificate. The questions raised by such written objection shall be heard and determined as prescribed in section fifty-six of this act.

§ 66. Filling vacancies in nominations, and correction of certificates.—Subdivision 1. If a nomination is duly declined, or a candidate regularly nominated dies before election day, or is found to be disqualified to hold the office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate of nomination, as permitted by sections fifty-six and fifty-seven of this act, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy it shall not be lawful to select a new emblem or device, but the emblem or device chosen to represent or distinguish the candidate nominated by the original certificate shall be used to represent and distinguish the candidate nominated, as provided by this section. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in a case provided for in subdivision two of this section, the said certificate shall be filed in the office in which the original certificate was filed, at least six days before the election, if filed in the office of a town or village clerk; at least fifteen days before the election, if filed with the county clerk or the board of elections of the city of New York, or the city clerk of any other city; and at least fifteen days if filed with the secretary of state, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate is

filed with the secretary of state, he shall, in certifying the nomination to the various county clerks and other officers, insert the name of the person who has been nominated as prescribed by this section, instead of that of the candidate nominated by the original certificate, or, if he has already sent forward his certificate, he shall forthwith certify to the proper clerks and other officer, the name of the person nominated as prescribed by this section, and such other facts as are required to be stated in a certificate filed pursuant to this section. When no nomination shall have been originally made by a political party, or by an independent body for an office, or where a vacancy shall exist, it shall not be lawful for any committee of such party or independent body authorized to make nominations, or to fill vacancies, to nominate or substitute the name of a candidate of another party or independent body for such office; it being the intention of this act that when a candidate of one party is nominated and placed on the ticket of another party or independent body, such nomination must be made at the time and in the manner provided for making original nominations by such party, or independent body. (*Thus amended by chap. 95, L. 1901.*)

Subdivision 2. In case of the death of a candidate after the official ballots have been printed, and before election day, the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, and it then shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy, and the title of the office for which he was nominated. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type used in printing the titles of the offices and the names of the candidates upon the official ballots, and shall be of a size as large and no larger than the space occupied upon the official ballot by the title of the office and the name of the candidate whose place the candidate named upon the paster has been nominated. If the candidate be one of a group of

candidates, such official paster shall contain the name of the candidate but not the title of the office. Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political party or independent body making the nomination, and shall state the number of pasters furnished, which number shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall deliver the pasters to the ballot clerks, who are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be considered as being part of the official ballot. The ballot clerks shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be enclosed in the package of ballots not delivered to voters. The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one or more than five years.

ARTICLE IV.

Official and sample ballots, instruction cards and stationery.

SECTION 80. Official ballots for elections.

81. Form of general ballot.
82. Form of ballot for questions submitted.
83. Sample ballots, instruction cards and stationery.
84. Blank forms for election officers.
85. Number of official ballots.
86. Officers providing ballots and stationery.
87. Distribution of ballots and stationery.
88. Errors and omissions in ballots.
89. Unofficial ballots.

§ 80. **Official ballots for elections.**—Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election of school district officers or school officers of a city or village at which no other public officer is to be elected, and except an election of officers of a fire district outside of cities and incorporated villages, at which excepted elections any form of ballots which may be adopted and used by the meeting at which such election shall be had shall be legal. (*Thus amended by chap. 609, L. 1897.*)

§ 81. **Form of general ballot.**—There shall be provided at each polling place at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided in this act, together with the title of the office arranged in tickets under the titles of the respective political parties or independent bodies, as certified in the certificates of nomination. All ballots shall be printed in black ink on clear white, book paper, free from ground wood, five hundred sheets of which, twenty-five by thirty-eight inches in size, shall weigh sixty pounds, and which shall test for that size and weight at least twenty points on a Morrison tester. Every such ballot printed in accordance with the provisions of this act, shall contain a party device for each political party represented on the ticket in accordance with the provisions of section fifty-six of this act. The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. The list of candidates of the several parties shall be printed in parallel columns, each column to be headed by the chosen device of such party, and the party name or other designation in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for governor at the last preceding general election for such officer, and so on. The number of such columns shall exceed by one the number of separate tickets of

candidates to be voted for at the polling place for which the ballot is provided, except as otherwise provided in this section. The party name shall be printed in display, the name or designation of the office in brier lower case, and the name of the candidate therefor in brier capital type. The title of the office, together with the name of the candidate therefor shall be printed in a space one-half inch in depth, and at least two inches in width defined by light horizontal ruled lines, with a blank space on the left thereof, one-fourth of an inch wide, inclosed by heavier dark lines, which space (called the voting space) shall be of the same depth as the space containing the title of the office and the name of the candidate; provided, however, that when two or more persons are to be voted for, for the same office, for the same term, on the same party ticket, as for instance, presidential electors, the title of the office shall be printed in the first space only, which space shall be half an inch in depth and the several spaces in which only such candidates' names are printed, and the voting spaces to the left thereof, shall each be one-fourth of an inch in depth between the horizontal ruled lines. On the right of each ballot shall be a column in which shall be printed only the titles of the offices for which candidates may be voted for by the electors at the polling place for which the ballot is printed. Such column is designated as the "blank column," and in such column the voting spaces shall be omitted, but in all other respects such blank column shall be a duplicate of the political party columns upon such ballot. In the space of such column above the heavy ruled line shall be printed in great primer Roman condensed capitals the words "blank column," and below such words shall be printed in brier capital type the following: "The elector may write in the column below, under the title of the office, the name of any person whose name is not printed upon the ballot, for whom he desires to vote." At elections at which presidential electors are to be voted for, the names of the candidates for president and vice-president shall be placed on the ticket immediately below the name of the party making the nominations, and above the heavy ruled line preceding the

names of the presidential electors, and shall be printed in type known as great primer Roman condensed capitals. The heading of each party ticket, including the name of the party, the device above, and the circle between the device and such name, shall be separated from the rest of the ticket by a heavy printed line, and the circle above the name of the party shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following, printed in heavy faced nonpareil type: "For a straight ticket, mark within this circle." Provided, however, that in the case of nominations provided for in section fifty-seven of this act, designated as "independent nominations," the ballot shall be so arranged that at the right of the last column for nominations designated in section fifty-six as "party nominations," the several tickets of the names of the candidates independently nominated shall be printed in one or more columns according to the space required, having above each of the tickets the political or other name selected to designate such independent nominations, and the circle and also the device or emblem to represent and distinguish the candidates of the several independent bodies making such nominations. The independent tickets occupying the same column shall be separated from each other by a solid black line one-eighth of an inch wide. At the top of the column, and above the first emblem in each of such columns for independent nominations, shall be printed in type known as great primer Roman condensed capitals the words "independent nominations." Each column upon the ballot shall be bordered on either side by a broad solid printed line one-eighth of an inch wide and the edge of the ballot on either side shall be trimmed off up to the border or solid line described. The ballots shall be so printed as to give each elector a clear opportunity to designate by a cross X mark in a large blank circle three-quarters of an inch in diameter, below the device, and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon, and by a cross X mark in a

blank inclosed space, heretofore designated as the voting space, on the left of and before the name of each candidate, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub, and separated therefrom by a perforated line. The part above the perforated line designated as the stub shall extend the entire width of the ballot, and shall be of sufficient depth to allow the instructions to voters to be printed thereon, such depth to be not less than two inches from the perforated line to the top thereof. Upon the face of each stub shall be printed in type known as brevier capitals the following:

“This ballot should be marked in one of two ways with a pencil having black lead. To vote a straight ticket, make a cross X mark within the circle above one of the party columns. To vote a split ticket, that is, for candidates of different parties, the voter should make a cross X mark before the name of each candidate for whom he votes. If the ticket marked in the circle for a straight ticket does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted, by making a cross X mark before the names of candidates for such offices on another ticket, or, by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank column. Any other mark than the cross X mark used for the purpose of voting or any erasure made on this ballot, makes it void, and no vote can be counted hereon. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.”

On the back of the ballot, below the stub, and immediately at the left of the center of the ballot, shall be printed in great primer Roman condensed capitals the words: “Official ballot for,” and after the word “for” shall follow the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the officer who has caused the ballots to be printed. Ballots for town meetings not held at the same time with a general election shall

be indorsed "Town," and for village elections, "Village." On the back of the stub, and immediately above the center of the indorsement upon the back of the ballot, shall be printed the consecutive number of the ballot, beginning with "No. 1," and increasing in regular numerical order. All of the official ballots of the same sort prepared by any officer or board for the same polling place, shall be of precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that when the stubs numbered as aforesaid shall be detached therefrom, it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort, and the names of all candidates printed upon the ballot shall be in type of the same size and character. If two or more officers are to be elected to the same office for different terms, the terms for which each is nominated shall be printed upon the ballot as a part of the title of the office. If at a general election one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term to fill which such candidates are severally nominated. When no nomination has been made by a political party, as designated by section fifty-six, for an office to be filled at the election, the title of such office shall be printed in such party column, and underneath such title shall be printed in brier capital type the words "No nomination." No ticket or list of candidates shall be printed, under the name of any political party or independent body which contains more candidates for any office than there are persons to be elected to such office.

For form of ballots where voting machines are adopted, see § 167.

For form of pasters for ballots, see § 66, subd. 2.

§ 82. Form of ballot for questions submitted.—Whenever the adoption of a constitutional amendment or any other proposition or question is to be submitted to the vote of the electors of the state, or of any district thereof, a separate ballot shall be provided by the same officers who are charged by law with the duty of providing the official ballots for candidates for public office. Such ballots shall comply with the requirements of official bal-

lots, for candidates for public office, in so far as such requirements are applicable thereto. Under the perforated line shall be clearly printed, in brevier lower case type, the question of the adoption of the constitutional amendment or other proposition or question upon which the electors within the district for which such ballot is provided may lawfully vote. If there be more than one constitutional amendment or proposition or question to be submitted to the voters of that district, the different amendments or propositions or questions shall be separately numbered and printed, and separated by a broad solid line one-eighth of an inch wide. Opposite and before each such amendment, question or proposition, so submitted, shall be printed two squares inclosed in ruled lines, one above the other. Preceding the upper one of such squares shall be printed the words "Yes," and preceding the lower one of such squares shall be printed the word "No." At the top of each such ballots, immediately above the perforated line, shall be printed in brevier capital type the following words only: "Notice to electors. For an affirmative vote upon any question submitted upon this ballot, make a cross X mark in the square after the word 'Yes.' For a negative vote, make a similar mark in the square following the word 'No.'" All such ballots for the same polling place shall be of the same color and size, and similarly printed, so that, after the removal of the stub, which shall be numbered as in case of ballots for candidates for public office, it shall be impossible to identify or distinguish any one of such ballots from the others. On the back of each such ballot, below the stub, shall be printed in addition to the endorsement as prescribed for general ballots, the words "Questions submitted," so as to distinguish the said ballots from the official ballots for candidates for office. Ballots for the submission of town propositions and questions to be submitted at town meetings held on election day, shall be printed in the manner provided by this section, but shall be endorsed "Town proposition submitted." All ballots for the submission of town propositions for raising or appropriating money for town purposes, or for incurring a town liability, to be voted at any town meeting in any town, shall be separate from all other ballots for the sub-

mission of other propositions or questions to the electors of such town to be voted at the same town meeting or election. Such ballots shall be in the form prescribed in this section and shall be endorsed "propositions for town appropriations." (*Thus amended by chap. 598, L. 1901.*)

§ 83. **Sample ballots and stationery.**—Sample ballots, equal in number to twenty-five per centum of the number of official ballots provided therefor, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballot, and without numbers on the stubs, but shall, in all other respects, be precisely similar to the official ballots to be voted at that polling place. One of such sample ballots shall at any time on the day of election, be furnished upon application to any elector entitled to vote at that polling place, and may be taken by him away from such polling place before receiving his official ballot or ballots. Twelve instruction cards, printed in English, and twelve printed in each of such other languages as the officer or officers charged with providing them shall deem necessary, shall also be provided for each such polling place, containing in clear, large type, full instructions for the guidance of electors in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and, in smaller sized type, a copy of each of the sections of the penal code relating to crimes against the elective franchise. There shall also be provided two poll-books, a suitable number of markers, designated as "distance markers," to indicate the distance of one hundred feet from the polling place, two tally sheets and three complete election return blanks for the use of inspectors and ballot clerks in the forms hereinafter provided, heavy manila envelopes for statements and returns, sealing wax, pencils having black lead only, pens, penholders, blotting paper and ink. All such articles herein enumerated are hereby designated as "stationery."

Manner of distribution of ballots and stationery provided for in § 87.

Sample ballots and stationery where voting machines are adopted.
§§ 168, 169, 170, 171.

§ 84. **Blank forms for election officers.**—The officers charged with the duty of furnishing official ballots shall furnish to the board of inspectors of each election district, two tally sheet blanks, three ballot return sheet blanks, three election return sheet blanks, one of which shall be endorsed “original return,” the other “copies of the original return,” three blanks for the report of assisted and challenged electors, which blanks shall be delivered to such board of inspectors as elsewhere provided.

Tally sheets.—The tally sheet blanks shall be printed as nearly as possible in the following form:

(Sample) Tally-Sheet of Ballots Cast.

Note.—These columns belong at the extreme right of the tally-sheet.

LIST OF OFFICES.	1		2		3		4		5		6		7		8		9		10	
	1	REPUBLICAN TICKET.	Number of votes cast and counted for each candidate on straight ballots.	2	Number of votes cast and counted for each candidate on split ballots.	3	Total number of votes cast and counted for each candidate.	4	DEMOCRATIC TICKET.	1	Number of votes cast and counted for each candidate on straight ballots.	2	Number of votes cast and counted for each candidate on split ballots.	3	Total number of votes cast and counted for each candidate.	4	Total number of ballots not wholly blank on which no vote was counted for the following offices.	Total number of wholly blank ballots.	Total number of void ballots.	Total number of ballots ac- counted for.
For Governor.....		LEVI P. MORTON.	290	290	///	300	DAVID B. HILL...	165	///	140	///	140	///	165	///	5	///	5	10	485
For Lieutenant-Governor ..		CHAS. T. SAXTON.	290	290	///	303	WM. F. SHEEHAN	160	///	140	///	140	///	160	///	5	///	5	10	485
For County Clerk.....		JOHN DOE	290	290	///	315	RICHARD ROE....	145	///	140	///	140	///	145	///	5	///	5	10	485

NOTE.—A separate column must be provided for each ticket printed upon the ballot. Each office shall be separated by a ruled line running clear across the sheet, so that the names of all the candidates for the same office shall be upon the same line. By adding together the votes cast for all the candidates for a particular office, together with the number of ballots on which no vote was cast for that office, and the number of wholly blank and void ballots on which no vote was counted for any office, the sum should equal the total number of ballots voted. Unless it does, the count of the votes and ballots is wrong, and they should be recounted.

Certain columns may be omitted where voting machines are adopted.
See § 171.

Tally sheets.—The tally sheet blanks shall be as nearly as possible in the following form: At the extreme left of such sheet there shall be a column headed "List of offices," in which shall be printed the titles of all the offices printed upon the official ballot, and in the same order. Each office shall be separated by a heavy ruled line running the full width of such sheet. There shall be printed thereon, in separate columns under the name of the respective parties the tickets of all the parties as they appear on the official ballot, so that the names of all candidates for the same office shall be upon the same line. Opposite and to the right of each party or independent ticket or list of candidates, shall be a column headed "Number of votes cast, and counted for each candidate on straight ballots," in which column and opposite every name, shall be entered the number of straight party votes counted (which number is the same for every candidate of that party). To the right of such column there shall be another column headed, "Number of votes cast and counted for each candidate on split ballots," and in such column shall be entered by single marks, grouped into five marks, the votes canvassed for such candidates on the split ballots. To the right of such column shall be another column headed, "Total number of votes cast and counted for each candidate," in which shall be entered, opposite the name of each candidate, the total number of votes cast and counted for such candidate on both straight and split ballots. To the right of the last column for entering the total vote cast for candidates of any party, shall be a column headed, "*Total number of ballots, not wholly blank, on which no vote was counted for the following offices,*" and in such column shall be entered opposite the titles of the respective offices, by single marks, the number of ballots on which no vote was cast for any candidate for such office. To the right of such column shall be another column headed, "Total number of wholly blank ballots," in which column shall be entered opposite the title of each office the number of ballots found to be wholly blank. To the right of such column shall be another column headed, "Total number of void ballots," in which column shall be entered opposite each title of each office the number of

ballots which were rejected as void. At the extreme right of such sheet there shall be a column headed, "Total number of ballots accounted for," in which shall be entered opposite each office the sum of the total vote cast for all candidates for the office, together with the number of ballots not wholly blank, on which no vote was counted for that office, the total number of wholly blank, and the total number of void ballots, and the votes cast, if any, for candidates for such office whose names are not printed upon the ballot. Such sum must equal the number of ballots voted, as shown by the ballot clerks' return of ballots, and if it does not, there has been a mistake in the count, and the ballots must be recounted for such office. In case a person is voted for whose name is not printed on the ballot, the poll clerks, who shall keep the tally sheets, shall enter such name and the votes therefor on the tally sheet. The method of counting the votes shall be as provided in section one hundred and ten of the election law.

Sample.

Form of ballot return to be prepared by the ballot clerks, and attached to the original statement of canvass made by the inspectors and to each copy, in compliance with subdivision two of section one hundred and three of the election law:

1. The number of full sets of official ballots furnished to election district number (five) of the (town of Canandaigua), county of (Ontario), were..... 800

2. The number of sets of official ballots cancelled before delivery to voters by reason of one or more of the set being found defective in printing or mutilated, all of which were destroyed by us, were..... 5
3. The number of sets of official ballots spoiled and returned by voters, all of which were destroyed by us, were.... 10
4. The number of sets of official ballots returned to the county clerk or other officer, unused, were..... 300

5. The number of sets of official ballots actually voted were	485
6. Total sets of official ballots accounted for are.....	800
7. The number of sets of detached stubs were.....	500
8. The number of sets of stubs on unused ballots were....	300
9. The total sets of stubs accounted for are.....	800

We hereby certify that the foregoing ballot return for election district number (five) of the (town of Canandaigua), county of (Ontario), for the election held November (5th, 1895), is correct.

(Signed.)
.....

Ballot Clerks.

Sample.

Inspectors' returns and statement of canvass.—*Original* official statement of the result of a (general) election, held on the (fifth) day of November (1895), in the (fifth) election district of the (town of Canandaigua), county of (Ontario), state of New York, made by the inspectors of election in and for said district, which return is made as provided in section one hundred and eleven of the election law.

RETURN OF BALLOTS VOTED.

1. The whole number of general ballots actually voted, as verified by the return of the ballot clerks attached hereto were (four hundred and eighty-five).....	485
2. The number of general ballots cast and found to be entirely blank, all of which were returned by us to the ballot box, were (five).....	5
3. The number of general ballots cast which were rejected by us as "void" and on which no vote was counted for any candidate, all of which are in the sealed pack- age returned herewith, and on each of which ballot is indorsed the reason for such rejection, were (ten)..	10

- | | |
|---|-----|
| 4. The number of general ballots cast on which votes were counted for one or more candidates, all of which were returned to the ballot box (except those protested as being marked for identification), were (four hundred and seventy) | 470 |
| 5. The total number of ballots accounted for by us are.. | 485 |

We certify the foregoing statement of ballots voted is correct in all respects.

Dated, this (fifth) day of November, (1895).

.....

Board of Inspectors.

Statement and Return of the Votes for the Office of (Governor).

- | | |
|---|-----|
| 1. The number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy)..... | 470 |
| 2. The number of ballots cast and counted on which there was no vote for the office of (governor) were (five).... | 5 |
| 3. The whole number of ballots on which votes were counted for the office of (governor) were (four hundred and sixty-five)..... | 465 |
| 4. Of which (Levi P. Morton) received (three hundred)..... | 300 |
| 5. (David B. Hill) received (one hundred and sixty-five)... | 165 |
| Total | 465 |

Statement and Return of the Votes for the Office of (Lieutenant-Governor).

- | | |
|---|-----|
| 1. The whole number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy)..... | 470 |
|---|-----|

2. The number of ballots cast and counted on which there was no vote for the office of (lieutenant-governor) were (seven)	7
3. The whole number of ballots on which votes were counted for the office of (lieutenant-governor) were (four hundred and sixty-three).....	463
4. Of which (Charles T. Saxton) received (three hundred and three)	303
5. (William F. Sheehan) received (one hundred and sixty)..	160
Total	463

Statement and Return of the Votes for the Office of (County Clerk).

1. The whole number of ballots cast on which votes were counted for any candidate for office were (four hundred and seventy).....	470
2. The number of ballots cast and counted on which there was no vote for the office of (county clerk) were (ten).....	10
3. The whole number of ballots on which votes were counted for the office of (county clerk) were (four hundred and sixty).....	460
4. Of which (John Doe) received (three hundred and fifteen).....	315
5. (Richard Roe) received (one hundred and forty-five)....	145
Total	460

The number of general ballots "protested as marked for identification" (all of which are in the sealed package returned herewith together with the void ballots) each of which have been indorsed by us "protested as-marked for identification,"

the mark or marking to which objection was made being specified upon the back of each such ballot, and all of which were counted for the several candidates voted thereon in the foregoing returns, were (three) 3

But such number does not include any ballot which was rejected by us as void. Such ballots are included in our return as "void" ballots on which no vote for any candidate was counted and are marked upon the back thereof "void" and indorsed with the reason for so declaring them. They are in the sealed packages returned herewith together with the ballots "protested as being marked for identification."

We certify the foregoing statement is correct in all respects.

Dated this (fifth) day of November, 1895.

.....
.....
.....
.....

Board of Inspectors.

Note.—A similar certificate is to be made at the bottom of each sheet or half sheet of this return. If ballots are voted on any constitutional amendment or question or proposition submitted, a similar return is to be included. Two certified copies of this original statement and return are to be made.

Blank for the Report of Assisted and Challenged Electors.

Three blank statements in the following form shall also be furnished to each board of inspectors, which shall, at the close of the election, be filled by them, and one original statement shall be attached to the original return, and a copy thereof to each copy of the original return.

1. The names of persons who were challenged, and the challenge not withdrawn, were....., in all, three....(3)
2. The names of persons who received assistance on account of physical disability, were....., in all, five....(5)

3. The names of persons who received assistance on account of being unable to write by reason of illiteracy, were....., in all, two.....(2)

We certify the foregoing statement is correct.

Dated this (fifth) day of November, 1895.

.....

Board of Inspectors.

§ 85. **Number of official ballots.**—The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, except a village election held at a different time from a general election, shall be one and one-half times as many ballots as near as may be as there were names of electors on the register of electors of such district for such election at the close of the fourth meeting for such registration. In cities of the first class the officer or board charged with the duty of furnishing official ballots shall furnish one and one-half times as many official ballots as near as may be of each kind to be provided for such election as there are electors entitled to vote thereat, as nearly as can be estimated by such officer or board. When but two days of registration are required there shall be a number equal to one and one-half times, as near as may be, the number of names upon the register at the close of the second meeting for registration. The number of official ballots of each kind to be provided for each polling place for a town meeting, held at any time or a village or city election held at a different time from a general election, shall be one and one-half times as near as may be the number of persons who will be entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots. (*Thus amended by chap. 381, L. 1900.*)

§ 86. **Officers providing ballots and stationery.**—The clerk of each county, except those counties the whole of which are

within the city of New York, shall provide the requisite number of official and sample ballots, cards of instruction, two poll books, distance markers, two tally sheets, inspectors' and ballot clerks' return sheets (three of each kind, and one of each to be marked "original"), pens, penholders, ink, pencils having black lead, blotting paper, sealing wax and such other articles of stationery as may be necessary for the proper conduct of the election, and the canvass of the votes, for each election district in such county and not within the city of New York, for each election to be held thereat, except that when town meetings, city or village elections and elections for school officers are not held at the same time as a general election the clerk of such town, city or village, respectively, shall provide such official and sample ballots and stationery for such election or town meeting. If the town meeting is held on general election day ballots and sample ballots for town propositions shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time and such town clerk shall also furnish inspectors' and ballot clerks' return sheets for making returns on town propositions or questions. In towns in which town meetings are held at the time of the general elections, the names of candidates for town offices shall be printed on the same ballots as the names of candidates for other offices voted for in such towns at such general elections. And the board of elections of the city of New York shall provide such articles for each election to be held in said city. Each officer or board charged with the duty of providing official ballots for any polling place, shall have sample ballots and official ballots provided, and in the possession of such officer or board, and open to public inspection as follows: The sample ballots five days before the election, and the official ballots four days before the election for which they are prepared unless prepared for a village election or town meeting held at a different time from a general election, in which case the official ballot shall be so printed and in possession at least one day, and the sample ballots at least two days before

such election or town meeting. During the times within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty of preparing the same, to deliver a sample ballot of the kind to be voted in his district to each qualified elector who shall apply therefor, so that each elector who may desire the same may obtain a sample ballot, similar except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote. (*Thus amended by chap. 405, L. 1902.*)

§ 87. **Distribution of ballots and stationery.**—The county clerk of each county except those counties which are wholly within the city of New York, shall deliver at his office to each town or city clerk in such county, except in New York city, on the Saturday before the election at which they may be voted, the official and sample ballots, cards of instructions and other stationery required to be provided for each polling place in such town or city for such election. It is hereby made the duty of each such town or city clerk to call at the office of such county clerk at such time and receive such ballots and stationery. In the city of New York the board required to provide such ballots and stationery shall cause them to be delivered to the board of inspectors of each election district at least one-half hour before the opening of the polls on each day of election. Each kind of official ballots shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof, beginning with number one. All official and sample ballots provided for such election shall be in separate sealed packages, clearly marked on the outside thereof with the number and kind of ballots contained therein and indorsed with the designation of the election district for which they were prepared. The instruction cards and other stationery provided for each election district shall also be enclosed in a sealed package or packages, with a label on the outside thereof showing the contents of each such package. Each such

town and city clerk receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district one-half hour before the opening of the polls of such election therein. The inspectors of election receiving such packages shall give to such town or city clerk, or board, delivering such packages a receipt therefor specifying the number and kind of packages received by them, which receipt shall be filed in the office of such clerk or board. Town, city and village clerks required to provide the same for town meetings, city and village elections held at different times from a general election, and the board of the city of New York required to provide the same for elections held therein, respectively, shall in like manner, deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, sample ballots, instruction cards and other stationery, required for such election or town meeting, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner in their respective offices. (*Thus amended by chap. 379, L. 1897.*)

§ 88. **Errors and omissions in ballots.**—Upon affidavit, presented by any elector, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected. The county clerk or such other officers or boards shall, upon their own motion, correct without delay any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors for use at such election.

§ 89. Unofficial ballots.—If the official ballots required to be furnished to any town or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and upon the receipt of ballots so prepared from such clerk or board, accompanied by a statement under oath that the same have been so prepared and furnished by him or them, and that the official ballots have not been so delivered, or have been lost, destroyed or stolen, the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

Similar provisions for use of unofficial ballots where not delivered at opening of polls or supply exhausted. See § 107.

Unofficial ballots when voting machines are adopted. See § 172.

ARTICLE V.

Conduct of Elections and Canvass of Votes.

SECTION 100. Opening the polls.

101. Persons within the guard-rail.
102. Watchers; challengers; electioneering.
- 103. General duties of election officers.
104. Delivery of ballots to electors.
105. Preparation of ballots by electors.
106. Manner of voting.
107. When unofficial ballots may be voted.
108. Challenge and oaths.
109. Time allowed employees to vote.
110. Method of canvass.
111. Original statement of canvass and certified copies.
112. Proclamation of result.
113. Delivery and filing of papers relating to the election.
114. Judicial investigation of ballots.

§ 100. Opening the polls.—The inspectors of election, poll clerks and ballot clerks of each election district shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required to be provided, and shall proceed to

arrange the space within the guard rail and the furniture thereof, including the voting booths, for the orderly and legal conduct of the election. The inspectors of election shall then and there have the ballot boxes required by law for the reception of ballots to be voted thereat; the box for the reception of ballots found to be defective in printing or mutilated, before delivery to, and ballots spoiled and returned by electors; the box for the stubs of voted and spoiled ballots, the sealed packages of official ballots, sample ballots and instruction cards and distance markers, poll books, tally-sheets, return sheets and other stationery required to be delivered to them for such election; and if it be an election at which registered electors only can vote, the register of such electors required to be made and kept therefor. The inspectors shall thereupon open the sealed packages of instruction cards and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in or about the polling place; shall open the sealed packages of official ballots and sample ballots, and place them in charge of the ballot clerks, and shall place the poll-books in charge of the poll clerks, and shall cause to be placed at a distance of one hundred feet from the polling place the visible markers designated herein as "distance markers," to prohibit "loitering or electioneering" within such distance. They shall also, before any ballots are cast, see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked. After such boxes are so relocked they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the

signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law shall not be taken down, torn nor defaced during such election. The ballot clerks, with the official and sample ballots; the inspectors, with such boxes and register of electors, and the poll clerks, with their poll-books, shall be stationed as near each other as practicable within such inclosed space. One of the inspectors shall then make proclamation that the polls of the election are open, and of the time o'clock in the afternoon when the polls will be closed.

Duties at opening of polls where ballot machines are adopted. See § 173.

Where voting machines are adopted the election officers should meet at least three-quarters of an hour before opening of polls. See § 173

Polls to be opened at 6 a. m. and closed at 5 p. m. See § 3.

For arrangement of polling place, see § 17.

* Statutory oath to be taken by election officers before opening of polls. See § 104, subd. 2.

Vacancies and absences to be supplied before opening of polls. See § 14.

One of the inspectors to be designated to receive the ballots from electors. See § 103.

§ 101. **Persons within the guard-rail.**—From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast thereat, and the signing of the official returns or statements of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting; provided, however, that candidates for public office voted for at such polling place may be present at the canvass of the votes.

§ 102. **Watchers; challengers; electioneering.**—Each political party or independent body duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town, or village committee of such political party or independent

body, or by the chairman or secretary thereof charged with that duty and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. Such committee, chairman or secretary thereof for a city, county, town or village shall not appoint watchers for any polling place outside of such city, county, town or village, respectively. Such watchers may be present at such polling place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls of such election until after the announcement of the result of the canvass of the votes cast thereat, and the signing of the original statement of canvass and copies thereof by the inspectors. A reasonable number of challengers, at least one person of each such party or independent body, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. No person shall, while the polls are open at any polling place, do any electioneering within such polling place, or within one hundred feet therefrom, in any public street, or in any building or room or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place during any day of registration or of the election.

Watchers allowed to examine ballot boxes before opening of polls. See § 100.

Ballots cast to be exhibited to watchers upon request. See § 110, subd. 3.

§ 103. General duties of election officers.—Subdivision 1. One of the inspectors of election at each polling place shall be designated by the board of inspectors of election to receive the ballots from the electors voting; or if the majority of the inspectors shall not agree to such designation, they shall draw lots for such position. If it be an election for which electors are required to be registered, the other inspectors shall before any ballots are delivered by the ballot clerks to an elector, ascertain whether he is duly registered. The ballot clerks shall not deliver any ballot to

such elector until the inspectors announce that he is so registered. As each elector votes, the inspectors shall check his name upon such register and shall enter therein in the column provided therefor opposite the name of such elector, the consecutive number upon the stub of the ballot or set of ballots voted by him. The inspector shall forthwith upon detaching the stub from any official ballot deposit the same in the box provided for detached stubs. In all proceedings of the inspectors acting as registrars, inspectors or canvassers, they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide.

Subdivision 2. In addition to the duties hereinbefore enjoined upon them, the ballot clerks shall deliver official ballots to the electors in such order that the numerical order of the numbers printed on the stubs of the ballots so delivered, shall be the same as the order of the successive deliveries thereof, the ballot numbered one on the stubs being first delivered and so on. If, in addition to the general ballots there shall be a ballot containing a proposed constitutional amendment or other proposition or question, the ballots shall be delivered to the electors in such order that the numbers upon the stubs of both ballots so delivered shall be the same. If, in a case where more than one ballot is to be voted, the elector shall spoil one of a set of ballots, and shall be entitled to receive a new set under the provisions of this act, he shall return the spoiled set to the ballot clerks before new ballots are furnished to him. In case one of a set of ballots bearing the same number shall be found defective in printing or mutilated before the same is given to the elector, both ballots of that number shall have the stubs removed therefrom by the ballot clerks and such ballots shall be deposited in the box for spoiled and mutilated ballots, and the stubs in the box for detached stubs, and a memorandum shall be made by the ballot clerks of the number on such ballots and the fact that the set was not delivered to electors because defective in printing or mutilated. The ballot clerks shall, upon the delivery of official ballots to each

elector, announce the elector's name and the number printed on the stub of each ballot so delivered. Upon the return of a ballot or set of ballots to them unvoted by any elector, they shall announce the name of the elector returning them and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots and deposit such stubs in the box for detached stubs, and such ballots in the box for spoiled and mutilated ballots. A memorandum shall be made by them of the number on such ballots, and of the fact that they were returned spoiled by electors. They shall immediately upon the closing of the polls take from the box containing them the spoiled and mutilated ballots, and after comparing the number thereof with the record of the same, made during the day, shall destroy them; and shall thereupon prepare and sign a written statement or return of ballots in the form provided for in section eighty-four of the election law. The original statement so made by them shall be attached to the original statement of the canvass made by the board of inspectors and a copy thereof to each copy of such original statement of canvass. They shall inclose all unused ballots, and all detached stubs, in a sealed package, and deliver the same to the chairman of the board of inspectors.

No ballot clerks where voting machines are adopted. See § 181.

Subdivision 3. Each poll clerk at each polling place for which official ballots are required to be provided, shall have a poll-book for keeping the list of electors voting or offering to vote thereat at the election. Such book shall have six columns headed respectively, "Number of elector," "Names of electors," "Residence of electors," "Number of ballots delivered to electors," "Number of ballots voted," and "Remarks." Upon each delivery of an official ballot or set of official ballots by the ballot clerks to an elector, each poll clerk shall enter upon his poll-book in the appropriate column, the number of the elector, in the successive order of the delivery of ballots thereto, the name of the elector, in the alphabetical order of the first letter of his surname, his residence by street and number, or if he have no street number, a brief de-

scription of the locality thereof, the printed number upon the stub of the ballot delivered to such elector, and the number on the ballots voted by him. If the ballot or set of ballots delivered to any elector shall be returned by him to the ballot clerk, and he shall obtain a new ballot or set of ballots, the poll clerks shall write opposite his name on the poll-books, in the proper column, the printed number on the stubs of such ballot or additional set of ballots. Each poll-clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted. As each elector offers his ballot or set of ballots which he intends to vote to the inspector, each poll clerk shall report to the inspectors whether the number entered on the poll-book kept by him as the number on the ballot or set of ballots last delivered to such elector, is the same as the number on the stub of the ballot or set of ballots so offered. As each elector votes, each poll clerk shall enter in the proper column on his poll-book the number on the stub of the ballots voted. Upon the close of the polls of the election, the poll clerks and inspectors shall compare the poll-books with the registers and correct any mistakes found therein. The poll clerks shall also during the canvass of the votes, as prescribed by section one hundred and ten of the election law, make and complete the tally sheets of the votes in the form provided by section eighty-four of the election law.

§ 104. **Delivery of ballots to electors.**—Subdivision 1. While the polls of the election are open, the electors entitled to vote and who have not previously voted thereat, may enter within the guard-rail at the polling place of such election for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many electors as there are voting booths thereat, in addition to the persons lawfully

within such guard-rail for other purposes than voting. The elector shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the inspectors and give his name, and, if in a city or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number, a brief description of the locality thereof, and if required by the inspectors shall state whether he is over or under twenty-one years of age. One of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct tone of voice. No person shall be allowed to vote in any election district at any election where electors are required to be registered unless his name shall be upon the registration books of such election district. The right of any person to vote, whose name is on such register, shall be subject to challenge. If such elector is entitled to vote thereat, and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall then deliver to him one official ballot or a set of official ballots, folded by such ballot clerk in the proper manner for voting, which is: First, by bringing the bottom of the ballot up to the perforated line, and second by folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide. No person other than an inspector or ballot clerk shall deliver to any elector within such guard-rail any ballot, and they shall deliver only such ballots as the voter is legally entitled to vote, and also the sample ballot when the same is asked for.

Sample ballots to be delivered to elector upon application and may be taken away from polls before delivery of official ballots. See § 83.

Subdivision 2. Any elector who shall, at the time of registration, have made oath of physical debility or illiteracy, as prescribed by the third subdivision of section thirty-four of the

election law; or, who being duly registered, in an election district where personal registration by all electors is required by law, shall state under oath, to the inspectors of election, on the day of election, that, by reason of some accident the time and place of which he must specify, or of disease, the nature of which he must also specify, he has since the day upon which he registered, lost the use of both hands, or become totally blind, or afflicted by such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, or so crippled that he cannot enter the voting booth and prepare his ballot without assistance; or any elector in an election district who is not required by law to personally register, who is unable to write by reason of illiteracy, or is physically disabled in one or more ways described in the third subdivision of section thirty-four of the election law, and who shall make the statement under oath to the inspectors in the form required in said subdivision, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him, to assist him in preparing his ballots. At any town meeting or village election, where the election officers are all of the same political faith, any elector entitled to assistance as herein provided may select one of such election officers and one elector of such town or village of opposite political faith from such election officer so selected, to render such assistance. Such election officers or persons assisting an elector shall not in any manner request or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, and shall not keep or make any memorandum or entry of any thing occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such elector, or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this act, and each election officer, before the opening of the polls for the election, shall make oath that he "will not in any manner request, or seek to persuade, or induce any elector to vote any particular ticket or for any particu-

lar candidate, and that he will not keep or make any memoranda or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any elector or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." The same oath shall be taken by any elector rendering such assistance, as provided for above, and any violation of this oath shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two nor more than ten years. No elector shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot, or divulge to anyone within the polling place the name of any candidate for whom he intends to vote or has voted.

§ 105. **Preparation of ballots by electors.**—On receiving his ballot the elector shall forthwith and without leaving the inclosed place, retire alone unless he be one that is entitled to assistance in the preparation of his ballot, to one of the voting booths, and without due delay, unfold and mark his ballot as hereafter prescribed. No elector shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and electors waiting to occupy the same. It shall not be lawful to make any mark upon the official ballot other than the cross X mark made for the purpose of voting, with a pencil having black lead, and that only in the circles or in the voting spaces to the left of the names of candidates, or to write anything thereon other than the name or names of persons not printed upon the ballot for whom the elector desires to vote in the blank column under the proper title of the office, with a pencil having black lead, nor shall it be lawful to deface or tear a ballot in any manner, nor to erase any printed device, figure, letter or word therefrom, nor to erase any name or mark written thereon by such elector. If an elector deface or tear a ballot or one of a set of ballots, or wrongly marks the same, he may successively obtain others, one set at a time,

not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. The elector should observe the following rules in marking his ballot:

Rule 1. If the elector desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nominated, he should make a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket, does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The elector can vote blank for any office by omitting to make a cross X mark in any circle, and making a cross X mark in the voting space before the name of any candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "Yes" or "No," which he desires to give on each such question submitted.

Rule 7. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark. (*Thus amended by chap. 335, L. 1898.*)

The proper manner of folding ballot for voting described in § 104, subd. 1.

§ 106. **Manner of voting.**—When the ballot or ballots which an elector has received shall be prepared as provided in section one hundred and five of this act, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, but show the indorsement and fac simile of the signature of the official on the back thereof, and, keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer the same to such inspector. Such inspector shall announce the name of the elector and the printed number on the stub of the official ballot so delivered to him in a loud and distinct tone of voice. If such elector be entitled then and there to vote, and be not challenged, or if challenged, and the challenge be decided in his favor, and if his ballot or ballots are properly folded, and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed number is the same as that entered on the poll-books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerk, such inspector shall receive such ballot or ballots, and after removing the stub or stubs therefrom, in plain view of the elector, and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots; and the stubs in the box for detached ballot stubs. Upon voting, the elector shall forthwith pass outside the guard-rail unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting. No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by sections eighty-nine and one hundred and seven of the election law, and none but ballots provided in accordance with the provisions of the election law shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the ballot clerks, and a

violation of this provision is a misdemeanor. When a person shall have received an official ballot from the ballot clerks or inspectors, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiving such official ballot, he shall leave the space inclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting, or to receive any further ballots.

§ 107. When unofficial ballots may be voted.—If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

Provisions as to use and preparation of unofficial ballots. See § 89.

§ 108. Challenge.—Subdivision 1. A person may be challenged either when he applies to the ballot clerk for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector by any elector. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector, and every person whose right to register as an elector was challenged at the time of registration, providing such challenge has not previously been withdrawn. In the election districts within the metropolitan elections district whenever a person shall apply to the board of inspectors on election day to vote upon the name of a person whose right to register as an elector was challenged it shall be the duty of the chairman of the board of inspectors or some member of such board to administer to such applicant the preliminary oath prescribed herein and to read to such applicant each question upon the copy of the challenge affidavit signed at the time of registration by the person upon whose name the applicant desires to vote and the inspectors and watchers shall compare the answers given to such questions with the answers recorded thereto upon

the copy of said challenge affidavit and shall carefully compare the description of the person challenged at the time of registration recorded upon the copy of the challenge affidavit with that of the applicant. If there shall be any material difference or conflict between the answers given by the applicant and the answers recorded upon the copy of the challenge affidavit to the questions printed thereon, or in the description of the person challenged and the applicant or, if the applicant shall refuse to answer any question put him or, shall refuse to make such oath his vote shall not be received and the facts thereof shall be recorded in each such case in the challenge record provided for in subdivision three of this section. If any person other than those persons heretofore provided for, offering to vote at any election shall be challenged in relation to the right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualification as an elector. The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence, his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district, and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which may be put to him, his vote shall be rejected. After receiving the answers of the persons so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient. (*Thus amended by chap. 544, L. 1901.*)

Subdivision 2. General oath.—If the person so offering to vote, shall persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors shall then administer to him the following general oath: “You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election.” If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state, the following additional oath shall be administered by one of the inspectors: “You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid, or used, any money, or other valuable thing, as a compensation or reward for the giving, or withholding, of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that you have not made, or become directly or indirectly, interested in any bet or wager depending upon the result of this election.” If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: “You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen.” If any person shall refuse to take either oath so tendered his vote shall be rejected, but if he shall take the oath or oaths tendered him, his vote shall be accepted.

Subdivision 3. Record of persons challenged.—The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall be challenged or take either of

such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, the inspectors shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election in such district.

§ 109. **Time allowed employees to vote.**—Any person entitled to vote at a general election held within this state, shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such elector shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such elector, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employes of municipalities.

§ 110. **Canvass of votes.**—Subdivision 1. **Preparation for canvass.**—As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed. Any election officer who shall sign any original statement of canvass, or certified copies thereof, at any place other than the polling place, or at any time other than immediately after the canvass is completed, and any election officer or person who shall take from the polling place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of

the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed, the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby. When two ballot boxes are provided for the reception respectively of voted general ballots and question submitted ballots, the said ballot boxes shall be opened and the ballots therein canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question. The board of inspectors shall commence the canvass by comparing the two poll-books with the registers used on election day, as to the number of electors voting at the election, correcting any mistakes therein, and by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the number of ballots found in each box with the number shown by the poll-books and the ballot clerks' statement to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess and without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll-books and ballot clerks' statement to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at the polling place, no ballot properly indorsed, found in the wrong ballot box, shall be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such bal-

lot shall not, together with the ballots found in the proper ballot box made a total of more ballots than are shown by the poll-books and ballot clerks' statement to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of the election law relating to unofficial ballots. The chairman only of the board of inspectors shall unfold the ballots taken from the ballot box. (*Thus amended by chap. 335, L. 1898.*)

Subdivision 2. Intent of electors.—Rule No. 1. If the elector shall have made a voting mark in the circle above one ticket only, and no other voting mark appears on other ticket or tickets, and if no name shall have been written in the blank column, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates, only on the ticket so marked in the circle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column; and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or

presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, providing that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided, further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed on any ticket under the title of the office for which all are running, and the electors shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such office which are so individually marked on other tickets, or written in the blank column.

Rule No. 6. If the elector shall have made a voting mark in more than one circle at the head of the tickets, and if on either of such tickets there shall be one or more candidates for office for

which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle his vote shall be counted for such candidate or candidates.

Rule No. 7. Subject to the foregoing rules if the elector marks more names than there are persons to be elected to an office, or if for any other reason, it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office.

Rule No. 8. In the case of a question submitted, if the elector shall have made a voting mark in the voting space after the printed word "Yes," his vote shall be deemed to be in favor of the adoption of the question submitted; if he shall have made a voting mark in the voting space following the printed word "No" his vote shall be deemed to be against the adoption of the question submitted.

Rule No. 9. A void ballot is a ballot upon which there shall be found any mark other than the cross X mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in the circles, or in the voting spaces to the left of the names of candidates; or one upon which anything is written other than the name or names of persons not printed upon the ballot, for whom the elector desires to vote, which must be written in the blank column under the proper title of the office with a pencil having black lead; or one which is defaced or torn by the elector; or upon which there shall be found any erasure of any printed device, figure, letter or word, or of any name or mark written thereon, or upon a separate piece of paper or other material enclosed in such ballot by such elector, and upon such ballot no vote for any candidate thereon shall be counted. (*Thus amended by chap. 654, L. 1901.*)

Subdivision 3. **Method of counting.**—The method of counting shall be as follows: The straight ballots, that is, the ballots on which all the candidates on one party ticket and no others are voted for shall be separated from the split ballots and counted, and the number of straight party votes for each candidate shall

be entered in gross opposite his name on each tally sheet by the poll clerk keeping the same. The chairman of the board shall then take the split ballots separately, and announce the vote for each candidate on each such ballot, in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same. As the votes on each split ballot are counted, such ballot shall be passed to the other inspectors for verification. The poll clerks shall then add together all the votes for each candidate and the ballots wholly blank and void, together with the ballots on which no votes were counted for any candidate for such office, and shall enter the sum thereof in the proper column on the tally sheet. As soon as the count is completed for each office, the poll clerks shall submit the result to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result. When a ballot is not void and an inspector of election or other election officer or duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot the words "objected to because marked for identification," and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them, as if not so objected to. If requested by any watcher the inspectors shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand. Any person who shall place upon any ballot taken from the ballot box any mark or marking, or who shall tear or deface such ballot with the intent of causing such ballot to be rejected as void, shall be guilty of a felony, and shall be punished upon conviction therefor by imprisonment in a state prison for a period not less than five nor more than ten years. In cities of the first class the chairman of the board of inspectors shall, forth-

with upon the completion of the count of votes, and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for office. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office. (*Thus amended by chap. 335, L. 1898.*)

§ 111. Original statement of canvass and certified copies. —Upon the completion of the canvass, the board of inspectors of election shall make and sign an original statement thereof showing the kind of election, the date when held; the number of the election district; the town or ward, and the city and county in which it was held, on the first page or pages of which there shall be return of the ballots voted, following which there shall be a separate return for each office of the votes cast for each candidate therefor in the form prescribed for such returns and statement in section eighty-four of the election law. At the end of the last detailed statement of votes cast for candidates, they shall add a statement of the number of general ballots protested as “marked for identification,” which ballots shall be endorsed by the inspectors “protested as marked for identification,” specifying the mark or marking to which objection is made over their signatures, and all of which shall be counted for the several candidates voted for thereon. The inspectors shall also make as a part of their original statement a return of the number of void ballots rejected by them, and on such ballots no vote can be counted for any candidate. Each such ballot so declared void by the inspectors shall be indorsed upon the back thereof with the specific reason for such rejection.

Such void ballots shall, together with the ballots which were protested as being marked for identification be secured in a separate sealed package, which shall be indorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman of the board of inspectors with the original statement of the canvass. If ballots are voted on any constitutional amendment, proposition or question, a similar return of the ballots and votes cast thereon shall be made and included as a part of such original statement. Such inspectors shall, whenever unofficial ballots are voted, return all of such ballots in the package with the void and protested ballots. At the end of each return contained in such original statement of the canvass, and also at the bottom of each sheet, or half sheet thereof, the inspectors shall make and sign a certificate that the foregoing statement is correct. If any inspector, poll clerk or ballot clerk shall refuse to sign any return required of him by the election law he must state the grounds upon which such refusal is based upon such return over his signature. Unless such an election be an election of town, village or school officers, held at a different time from a general election, such inspectors shall forthwith and before adjourning and taking any recess make two certified copies of such original certified statement of the result of the canvass. Forthwith upon the completion of such original statement and of such certified copies thereof, and the proclamation of the result of the election as to each candidate, the ballots voted, except the void and protested ballots, shall be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced. Each such box shall be securely locked and sealed, and shall be deposited with the officer or board furnishing such boxes. They shall be preserved inviolate for six months after such election and may be opened and their contents examined upon the order of the supreme court or a justice thereof, or a county judge of such county, and at the expiration of such time the ballots may be disposed of in the discretion of the officer or board having charge of them.

For form of inspectors' return and statement of vote, see § 84.

§ 112. **Proclamation of result.**—Upon the completion of such canvass and of the original statement and certified copies of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast at such election at such polling place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election, the whole number of votes given for each person, with the title of the office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. The original statement of canvass and the certified copies thereof shall be securely and separately sealed with sealing wax in an envelope properly indorsed on the outside thereof by the inspectors, and shall be kept inviolate by the officers or board with whom they are filed until delivered, together with the sealed packages of void and protested ballots, to the county or city board of canvassers.

§ 113. **Delivery and filing of papers relating to the election.**—Subdivision 1. If the election be other than an election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district, except in The City of New York, shall forthwith upon the completion of such certified original statement of the result, deliver one certified copy thereof to the supervisor of the town in which the election, if outside of a city, is situated, and if in a city, to one of the supervisors of said city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such certified copy shall be forthwith delivered to an assessor of such town or city. One certified copy of such original statement of the result of the canvass, the poll-books of such election, and one of the tally sheets, shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the town clerk of such town, or the city clerk of such city, as the case may be. The original certified statement of the result of the canvass, with the original

ballot return prepared by the ballot clerk, attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, and the sealed packages of detached stubs and unvoted ballots, and one of the tally sheets shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the election district is situated. The register of electors and public copy thereof shall be filed as prescribed in section thirty-five of this act.

Subdivision 2. In the city of New York the original statement of canvass and the sealed package of void and protested ballots shall be filed by the chairman of the board of inspectors within twenty-four hours after the completion of the canvass with the county clerk of the county within which the election district is located, together with one of the poll-books and one of the tally-sheets, properly certified by the poll clerks. One certified copy of such original statement, one poll-book and one tally sheet shall be filed within such time with the board of elections and with the chief clerk of the branch bureau of elections, as the case may be, in the borough within which the election district is located by an inspector designated by the board of inspectors for that duty, and the other certified copy of such original statement with the city clerk, by an inspector designated by the board of inspectors for that duty. In election districts in the city of New York, the boards of inspectors of election must, at the same time they make and sign the aforesaid original statement and certified copies thereof, make a certified copy of so much thereof as relates to any candidate for member of assembly, senator or representative in congress, voted for in said election district, and also in any part of any county not within the city of New York, and such certified copy must, within twenty-four hours after the completion of the canvass by the inspectors, be filed by the chairman of the board of inspectors, with the clerk of the county outside of the city of New York of which such officers or any of them are voted for at such election. The sealed packages or detached stubs, and ballots not used at the election shall, in The City of

New York, be given by the inspectors to the police who shall return them to the bureau of elections of the borough within which the election district is located. All such packages of detached stubs and unused ballots shall be preserved inviolate in the office in which they are filed, for a period of six months from the time of filing thereof, and may be opened and examined upon the order of the supreme court or a justice thereof, or a county judge within such county, and at the expiration of such time may be disposed of in the discretion of the officer or board having custody of the same. (*Thus amended by chap. 95, L. 1901.*)

Subdivision 3. In the election districts within the metropolitan elections district the certified copy of the original statement of canvass, the tally sheet and poll book required to be filed with the town or city clerk under subdivision one of this section and the certified copy of the original statement of canvass required to be filed with the city clerk of the city of New York, the poll book and tally sheet required to be filed with the superintendent of elections of such city and with the chief of the branch bureaus of elections within such city under subdivision two of this section, shall be forthwith filed by such officers in the office of the state superintendent of elections for the metropolitan elections district. (*Thus amended by chap. 630, L. 1899.*)

§ 114. Judicial investigation of ballots.—If any certified original statement of the result of the canvass in an election district shall show that any of the ballots counted at an election therein were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election in such district, within twenty days thereafter, issue out of the supreme court to the board or body of canvassers, if any, of the return of the inspectors of such election district, and otherwise to the inspectors of election making such statement requiring a recount of the votes of such ballots. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, the court shall order such ballot and the votes thereon to be excluded upon a recount of such votes. A like writ may in the same manner be issued to

determine whether any ballot and the votes thereon which has been rejected by the inspectors as void, shall be counted. If in the proceedings upon such writ the court shall determine that the votes upon any such ballot rejected as void shall be counted, the court shall order such ballot and the votes thereon to be counted upon a recount of such votes. Boards of inspectors of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.

ARTICLE VI.

County and State Board of Canvassers.

SECTION 130. Organization of county board of canvassers.

131. Production of original statements and copies thereof.
132. Correction of clerical errors in election district statements.
133. Correction in state or county board of canvassers' statements.
134. Proceeding of state board of canvassers upon corrected statement.
135. Statements of canvass by county boards.
136. Decisions of county boards as to persons elected.
137. Transmission of statements of county boards to secretary of state.
138. Organization and duties of board of canvassers of the city of New York.
139. Organization of state board of canvassers.
140. Canvass by state board.
141. Certificates of election.
142. Record in office of secretary of state of county officers elected.

§ 130. Organization of county board of canvassers.—

The board of supervisors of each county shall be the county board of canvassers of such county. The county board of canvassers of the counties wholly or partly within the city of New York shall be the city board of canvassers of the city of New York within their respective counties. The county board of canvassers of a county containing a city of the second class shall be the city board of canvassers of such city. The county board of canvassers of the respective counties shall meet at the office of the county clerk thereof on the Tuesday next after each election of public officers held in such county other than an election of town, city, village or district school officers held at a different time from a general

election. Upon such meeting they shall choose one of their number chairman of such board. Such county clerk, or if he be absent or unable to act, the deputy county clerk of such county, shall be the secretary of such board. The secretary of the board shall thereupon administer the constitutional oath of office to the chairman of the board, who shall then administer such oath to each member, and to the secretary of the board. A majority of the members of any board of canvassers shall constitute a quorum thereof. If, on the day fixed for such meeting, a majority of any such board shall not attend, the members of the board then present shall elect the chairman of the board and adjourn to some convenient hour of the next day. If such board, or a majority thereof, shall fail or neglect to meet within two days after the time fixed for organizing such board, the supreme court, or any justice thereof, or county judge within such county, may compel the members thereof by writ of mandamus to meet and organize forthwith. (*Thus amended by chap. 208, L. 1901.*)

§ 131. Production of original statements and copies thereof. —As soon as such board of county canvassers shall have been organized, the officer with which they were filed, shall deliver to such board of canvassers all the original statements of canvass received from inspectors of election for districts within the county for which said board are county or city canvassers. The copies of the original statements which have been delivered to members of the board of assessors shall then be delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall, at or before such meeting, cause to be delivered to the secretary of such board all such copies of original statements delivered to him, and any original statement that may have come into his possession. If, at the first meeting of a county board of canvassers of any county, all such original statements of the result of the canvass of the votes cast at such election in all the election districts in the county shall not be produced before the board, it shall adjourn to some convenient hour of the same or the next day, and the secretary of such board shall, by special messenger or

otherwise, obtain such missing original statements, if possible, otherwise he shall procure one of the certified copies thereof in time to be produced before such board at its next meeting. At such first meeting, or as soon as an original statement of the result of the canvass of the votes cast at such election in every election district of the county shall be produced before such board, or a copy thereof, in case the original can not be produced, the board shall, from such original statements and certified copies, proceed to canvass the votes cast in such county at such election. (*Thus amended by chap. 379, L. 1897.*)

§ 132. **Correction of clerical errors in election district statements.**—If, upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement or copy, which should have been inserted, or that any merely clerical mistakes exist therein, they shall have power, and such power is hereby given, to summon the inspectors of election whose names are subscribed thereto, before such board, and such inspectors shall forthwith meet and make such correction as the facts of the case require; but such inspectors shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements.

§ 133. **Correction in state or county board of canvassers statements.**—The supreme court may, upon affidavit presented by any elector, showing that errors have occurred in any statement or determination made by the state board of canvassers, or by any board of county canvassers, or that any such board has failed to act in conformity to law, make an order requiring such board to correct such errors, or perform its duty in the manner prescribed by law, or show cause why such correction should not be made or such duty performed. If such board shall fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board, by

writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and the statements and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statement has been a part of the original required by law. A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty.

§ 134. **Proceeding of state board of canvassers upon corrected statements.**—When a new or corrected statement or certificate made by a board of county canvassers, under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or either of them, the county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section one hundred and thirty-seven of this act, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified statement received by him, and obtain from the governor and comptroller the certified statements received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy of statements has been received by him, appoint a meeting of the state canvassers to be held at his office,

or the office of the state treasurer or comptroller, and the said board of state canvassers shall, from such certified copies or statements, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or either of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statements in the manner provided by section one hundred and thirty-nine of this act. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or either of them, and the statement, certificate and declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former. The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any elector in the county from which such statement came, and upon proof by affidavit that the same has been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session. The state board of canvassers and the secretary of state shall respectively

have the same power, and discharge the same duties with reference to statements made under this section, that they have and are charged with under the provisions of section one hundred and thirty-nine, and one hundred and forty, of this act.

§ 135. Statements of canvass by county boards.—Upon the completion by a county board of canvassers, of the canvass of votes of which original statements of canvass, or certified copies thereof, are by law required to be delivered to them, by the boards of officers with whom the same may have been filed by the inspectors of election, they shall make separate statements thereof as follows:

1. One statement of all such votes cast for each office of elector of president and vice-president of the United States.

2. One statement of all such votes cast for each state office.

3. One statement of all such votes cast for each office of representative in congress, except that the board of canvassers in the county of New York shall not make a statement of the votes cast in any election district in said county, for any candidate for the office of assemblyman, senator or representative in congress, the candidates for which were also voted for by electors in election districts in any county not within The City of New York.

4. One statement as to all such votes cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the electors of the state.

5. One statement as to all the votes cast for all and each of the candidates for each office of member of assembly for which the electors of such county or any portion thereof, except as provided in the paragraphs numbered three in this section, were entitled to vote at such election.

6. One statement as to all the votes cast for each county office, and office of school commissioner, for which the electors of such county, or any portion thereof, were entitled to vote at such election, and to be canvassed by them.

7. One statement as to all the votes, if any, so cast upon any proposition or question upon which only the electors of such county were entitled to vote at such election.

8. In the counties wholly or partly within The City of New York, the respective county boards shall make a separate statement as to the votes, if any, so cast upon any proposition or question upon which only the electors of such city were entitled to vote at such election in such county or portion thereof. Each such statement shall set forth, in words written out at length, all such votes cast for all the candidates for each such office; and if any such office was to be filled at such election by the electors of a portion only of such county all the votes cast for all the candidates for each office in any such portion of the county, designating by its proper district number or other appropriate designation, the names of each such candidate and the number of votes so cast for each, the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question, and of all the votes so cast in favor of and against the same respectively. In the counties wholly or partly within The City of New York the respective county boards shall make a separate statement of the votes cast for all the city officers voted for by the electors of such city or any portion thereof, within such counties. If, upon such canvass, in any original statement or duly certified copy of an original statement of the result of the canvass of the votes of any election district in such county or city, there shall be included any ballot indorsed by the inspectors to the effect that it was objected to as marked for identification, the county and city boards of canvassers shall add to each statement in which the counting of any such ballot or any portion thereof is included, a statement of the whole number of ballots so indorsed and counted. If, upon such canvass, in any original statement or duly certified copy of an original statement of the result of the canvass of the votes of any election district there shall be included any ballot indorsed by the inspectors to the effect that it was rejected as void, the county and city boards of canvassers shall add to each statement, a statement of the whole number of ballots so indorsed. The statements required by this section shall each be certified as correct over the signatures of the members of the board, or a majority of them, and

shall be filed and recorded in the office of the county clerk of such county. When the whole canvass shall be completed, the original statements of canvass and certified copies used thereat shall be filed in the office of the secretary of the board. The certified copies of such original statement of canvass not used at the canvass and the sealed packages of void and protested ballots shall be retained in the office in which or by the officer with whom they were filed. The sealed packages of void and protested ballots shall be retained inviolate in the office in which they are filed subject to the order and examination of a court of competent jurisdiction and may be destroyed at the end of six months from the time of the completion of such canvass, unless otherwise ordered by a court of competent jurisdiction. *(Thus amended by chap. 379, L. 1897.)*

§ 136. Decisions of county board as to persons elected.— Upon the completion of the statements required by section one hundred and thirty-five of this act the board of canvassers for each county shall determine what person has by the greatest number of votes been so elected to each office of member of assembly to be filled by the electors of each county for which they are county canvassers if constituting one assembly district, or in each assembly district therein, if there be more than one, and each person elected by the greatest number of votes to each county office of such county to be filled at such election, and if there be more than one school commissioner district in such county, each person elected by the greatest number of votes to the office of school commissioner to be filled at such election in each such district. The county clerk of the county of Hamilton shall forthwith transmit to the county clerk of the county of Fulton, a certified copy of the statement so filed and record it in his office, of the county board of canvassers of Hamilton county, as to all the votes so cast in Hamilton county for all the candidates and for each of the candidates for the office of member of assembly of the assembly district composed of Fulton and Hamilton counties; and the county clerk of Fulton county shall forthwith deliver the same to the Fulton county board of canvassers, who

shall from such certified copy, and from their own statement as to the votes so cast for such office in Fulton county, determine what person was at such election, elected by the greatest number of votes to such office. Such board of each county shall determine whether any proposition or question submitted to the electors of such county only, has by the greatest number of votes been adopted or rejected. All such determinations shall be reduced to writing, and signed by the members of such board, or a majority of them, and filed and recorded in the office of the county clerk of such county, who shall cause a copy thereof, and of the statements filed and recorded in his office, upon which such determination was based, to be published in accordance with the provisions of sections twenty-one and twenty-two of the county law. The clerk of each county shall prepare as many certified copies of each certificate of the determination of the county board of canvassers of such county as there are persons declared elected in such certificate, and shall, without delay, transmit such copies to the persons therein declared to be elected, respectively. (*Thus amended by chap. 379, L. 1897.*)

Supreme court may compel correction of errors. See § 133.

§ 137. **Transmission of statements of county boards to secretary of state and board of elections.**—Upon the filing in the office of the county clerk of a statement of the county board of canvassers as to the votes cast for candidates for the offices of electors of president and vice-president, or as to the votes cast for candidates for state officers, except member of assembly and for representative in congress, or as to the votes cast on any proposed constitutional amendment or other proposition or question submitted to all the electors of the state, such county clerk shall forthwith make three certified copies of each such statement, and, within five days after the filing thereof in his office, transmit by mail one of such copies to the secretary of state, one to the governor and one to the comptroller of the state. The governor and comptroller shall forthwith upon the receipt thereof by them deliver such certified copies to the secretary of state. If any certified copy shall not be received by the secretary

of state on or before the last day of November next after a general election, or within twenty days after a special election, he shall dispatch a special messenger to obtain such certified copy from the county clerk required to transmit the same, and such county clerk shall immediately upon demand of such messenger at his office make and deliver such a certified copy to such messenger who shall, as soon as practicable, deliver it to the secretary of state. The county clerk of each county shall transmit to the secretary of state, within twenty days after a general election, and within ten days after a special election, a list of the name and residence of each person determined by the board of county canvassers of such county to be elected member of assembly, school commissioner, and to any county office; and on or before the fifteenth day of December in each year a certified tabulated statement of the official canvass of the votes cast in each such county by election districts at the last preceding general election. The secretary of state shall obtain from the governor and comptroller such certified copies so transmitted to them and file the same in his office. Upon the filing in the office of the county clerk of a county wholly or partly within the city of New York of a statement of the county board of canvassers as to the votes cast for candidates for a city office within such city such county clerk shall forthwith make a certified copy of each such statement and, within five days after the filing thereof in his office, deliver in a sealed envelope such certified copy to the board of elections of the city of New York on or before the fifteenth day of December in any year in which there shall have been an election for a city office for which votes were cast in a county within The City of New York the county clerk thereof shall file with the city clerk of such city a certified copy of the official canvass of the votes cast in such county or portion thereof by election districts for such city office and such canvass by election districts shall, as soon as possible thereafter, be published in the City Record by the city clerk. (*Thus amended by chap. 95, L. 1901.*)

§ 138. **Organization and duties of board of canvassers of the city of New York.**—The board of elections of the city of New

York shall be the board of canvassers of The City of New York of the statements of the county board of canvassers of the counties within such city of the votes cast in such city or any portion thereof for a city office or upon any proposition or question upon which only electors of such city were entitled to vote. The members of the board of elections shall meet at the usual place for holding their regular meetings of such body on the first Monday in December succeeding a general election for a city office within such city and within thirty days after such special election and shall organize by selecting one of the members as chairman. The secretary of the board of elections of the city of New York shall be the secretary of such board or if he be unable to serve the board may appoint a chief clerk to be the secretary of such board. The secretary shall thereupon administer to the chairman the constitutional oath of office and the chairman shall administer such oath to the members of such board and the secretary thereof. As soon as such board shall have organized the secretary shall deliver to such board the certified copies of the statements of the county boards of canvassers of each county wholly or partly within such city of the votes cast for candidates for city office within such city and upon any proposition or question, if any submitted, to the electors of such city only and the said board shall proceed to canvass such statements. If a certified copy of any statement of any county board required to be delivered to said board shall not be delivered prior to the meeting and organization of said board, it may adjourn such meeting from day to day not exceeding a term of five days and it shall be the duty of the secretary to procure from the county clerk of such county the required certified copy of such statement. Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, and attested by the secretary, of the whole number of votes cast for all the candidates for each office shown by such certified statements to have been voted for and of the whole number of votes cast for each of such candidates, indicating the

number of votes cast in each county for them, and if the voters of not more than one county or portion of such county were entitled to vote for such candidates, the name and portion of such county and the name of each candidate, and the determination of the board of the persons thereby elected to such office by the greatest number of votes. The said board shall also make a separate similar tabulated statement of the vote cast upon any proposition or question submitted at the election to the electors of such city only and shall include a determination as to whether such proposition or question by the greatest number of votes has been adopted or rejected. Each such statement and determination shall be filed and recorded in the office of the board of elections and the said board shall cause the publication of the same in at least two newspapers within each borough of such city and in the City Record. Upon the filing in the office of the board of elections of such statements and determination the president of the board of elections shall issue and transmit by mail or otherwise a certificate of election to each person shown thereby to be elected, such certificate to be countersigned by the members of the board of elections of the city of New York under the seal of The City of New York. (*Thus amended by chap. 95, L. 1901.*)

§ 139. **Organization of state board of canvassers.**—The secretary of state, attorney-general, comptroller, state engineer and surveyor, and treasurer, shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and they shall forthwith attend accordingly, and shall, with the other such officers attending, constitute such board. The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statement of boards of county canvassers of such election. He

shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days.

§ 140. Canvass by state board.—Such board shall at such meeting proceed to canvass the certified copies of the statements of the county board of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be irregular, and shall protest against the same, he shall state such dissent or protest in writing signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office. Upon the completion of such canvass, such board shall make separate tabulated statements signed by the members of such board, or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, and of the whole number of votes cast for each of such candidates, indicating the number of votes cast in each county therefor, and if the voters of not more than one district of the state were entitled to vote for such candidates therefor, the name and number of such district, and the name of each candidate and the determination of the board of the persons thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown by such copies to have been voted upon, the whole number of votes cast in favor of and against each, respectively, and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest, shall be delivered to the secretary of state, and recorded in his office.

§ 141. Certificates of election.—The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to the votes cast for candidates for any office, to the person shown thereby to have been elected thereto. He shall prepare a general certificate, under the seal of this state, and attested by him as secretary

thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of a due election of the person so chosen at each election as representative of this state in congress; and shall transmit the same to the house of representatives at their first meeting. If either of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him.

§ 142. Record in office of secretary of state of county officers elected.—The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected, and their places of residence, the offices to which they were respectively elected, and the terms of office.

ARTICLE VII.*

Voting Machines.

SECTION 160. State voting machine commissioners.

161. Examination of voting machine.
162. Requirements of voting machine.
163. Adoption of voting machine.
164. Experimental use of voting machine.
165. Providing machines.
166. Payment for machines.
167. Form of ballots.
168. Sample ballots.
169. Number of official ballots.
170. Distribution of ballots and stationery.
171. Tally sheets.
172. Unofficial ballots.
173. Opening the polls; independent ballots.
174. Location of machines; guard rail.
175. Manner of voting.
176. Instructing voters.
177. Disabled voters.
178. Canvass of vote and proclamation of result.
179. Disposition of independent ballots; and preserving the record of the machine.

*Article added by chap. 466, L. 1899.

SECTION 180. Application of other articles and penal code.

181. When ballot clerks not to be elected.

182. Number of voters in election district.

183. Definitions.

184. Repeal of laws.

Section 160. **State voting machine commissioners.**—The commissioners appointed under chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven are continued in office until and including December thirty-first nineteen hundred and two, and shall be known as voting machine commissioners. Their successors shall be appointed for a full term of five years. Vacancies shall be filled by the governor for the remainder of the unexpired term, and all terms shall expire on the thirty-first day of December. Any commissioner now in office or hereafter appointed may be removed at the pleasure of the governor. No voting machine commissioners shall have any pecuniary interest in any voting machine. There shall be three such commissioners, who shall constitute a board to be known as the state board of voting machine commissioners. One of such commissioners shall be an expert in patent law and two shall be mechanical experts.

§ 161. **Examination of voting machines.**—Any person or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its accuracy, efficiency and capacity to register the will of voters. The commissioners shall examine the machine and report accordingly. Their report shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this article. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or

reapproval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law, and its use specifically authorized by law, cannot be used at any election. Each commissioner is entitled to one hundred and fifty dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. (*Thus amended by chap. 530, L. 1901.*)

§ 162. **Requirements of voting machine.**—A voting machine approved by the state board of voting machine commissioners must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, it must be provided with a single straight ticket device for each of said parties, by the use of which a voter may vote for all the candidates of that party, and must permit a voter to vote for any person for any office, whether or not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy. Such machine shall also be so constructed that a voter cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote. It must also be so constructed as to prohibit voting for more than one person for the same office, except where a voter is lawfully entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for as many persons for that office as he is by law entitled to vote for and no more, at the same time prohibiting his voting for the same person twice. It must be provided with a lock or locks, by the use of which immediately after the polls are closed or the operation of such machine for such election is completed any movement of the voting or registering mechanism is absolutely prohibited. It may also be provided with one ballot in each party column or row containing only the words "presidential electors" preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors, and shall be counted as such. (*Thus amended by chap. 530, L. 1901.*)

§ 163. **Adoption of voting machine.**—The board of elections of the city of New York, the common council of any other city, the town board of any town, or the board of trustees of any village may adopt for use at elections any kind of voting machine approved by the state board of voting machine commissioners, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in such city, town or village, or in any part thereof, for voting, registering and counting votes cast at such elections. Different voting machines may be adopted for different districts in the same city, town or village. (*Thus amended by chap. 530, L. 1901.*)

§ 164. **Experimental use of voting machine.**—The authorities of a city, town or village authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more districts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted.

§ 165. **Providing machines.**—The local authorities adopting a voting machine shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall thereafter preserve and keep them in repair, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the city, town or village as the officers adopting the same may direct.

§ 166. **Payment for machines.**—The local authorities on the adoption and purchase of a voting machine, may provide for the payment therefor in such manner as they may deem for the best interest of the locality and may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be

a charge on the city, town or village. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

§ 167. Form of ballots.—All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in plain, clear type as the space will reasonably permit. The party device for each political party represented on the machine, which has been duly adopted by such party in accordance with this chapter, and the party name or other designation shall be prefixed to the list of candidates of such party. Each party list may be further distinguished by a stripe of color below the party device, which shall be adopted in the same manner as the party emblems. The order of the list of candidates of the several parties or organizations shall be arranged as provided by this chapter for blanket ballots, except that the lists may be arranged in horizontal rows or vertical columns.

§ 168. Sample ballots.—The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballots are arranged for voting on election day. Such sample ballots shall be opened to public inspection at such polling place during the day next preceding election day. (*Thus amended by chap. 530, L. 1901.*)

§ 169. Number of official ballots.—Four sets of ballots shall be provided for each polling place for each election for use in the voting machine.

§ 170. Distribution of ballots and stationery.—The ballots and stationery shall be delivered to the board of inspectors of each election district before ten o'clock in the forenoon of the day next preceding the election.

§ 171. Tally sheets.—Columns numbered two and three and the four columns at the right of the tally sheet prescribed by

section eighty-four may be omitted in the printed blank tally sheets furnished for polling places at which a voting machine is used. The blank tally sheets and return shall in other respects conform substantially to the requirements of this chapter.

§ 172. **Unofficial ballots.**—If the official ballots for an election district at which a voting machine is to be used, required to be furnished by or to any town, or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, or the election inspectors of such district, shall cause other ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable, and the inspectors shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

§ 173. **Opening the polls; independent ballots.**—The inspectors of election and poll clerks of each district shall meet at the polling place therein, at least three quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the registry of such electors required to be made and kept therefor. The inspectors shall thereupon cause at least two instruction cards, and if printed in different languages, at least two of each language to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. If not previously done, they shall place all the counters on each voting machine so as to register zero, and shall not permit such counters to be thereafter operated, except by electors in voting. Before the polls are open for election, each inspector shall carefully ex-

amine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as independent ballots. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all independent ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear. In voting for presidential electors, an elector may vote an independent ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such independent ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. With these exceptions, no independent ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any independent ballot so voted shall not be counted. An independent ballot must be cast in its appropriate place on the machine, or it shall be void and not counted. (*Thus amended by chap. 530, L. 1901.*)

§ 174. Location of machines; guard rail.—The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and watchers. The voting machine shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard-rail, and at least four feet from the poll clerk's table. A guard-rail shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine.

§ 175. Manner of voting.—After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-

rail until they ascertain that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard-rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave it after the lapse of one minute, he shall be removed by the inspectors.

§ 176. **Instructing voter.**—In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two inspectors of opposite political parties shall give such instructions to him; but no inspector or other election officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

§ 177. The provisions of sub-division three of section thirty-four, and of sub-division two of section one hundred and four of the election law, shall apply also when ballot machines are used, and the word "booth" when used in such sections, shall be interpreted to include the ballot machine enclosure or curtain.

§ 178. **Canvass of vote and proclamation of result.**—As soon as the polls of the election are closed, the inspectors of election thereat shall immediately lock the voting machine against voting, and open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots. He shall also in the same manner an-

nounce the vote on each constitutional amendment, proposition or other question. As soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record it and submit their records to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result of the vote for such office, or on such amendment, proposition or other question.

§ 179. **Disposition of independent ballots, and preserving the record of the machine.**—The inspectors of election shall, as soon as the count is completed and fully ascertained as in this act required, lock the machine against voting, and it shall so remain for the period of thirty days except by the order of a court of competent jurisdiction. Whenever independent ballots have been voted, the inspectors shall return all of such ballots in a properly secured sealed package endorsed "independent ballots," and file such package with the original statement of canvass. It shall be preserved for six months after such election, and may be opened and its contents examined only upon order of the supreme court or a justice thereof, or a county judge of such county, and at the expiration of such time, such ballots may be disposed of in the discretion of the officer or board having charge of them. (*Thus amended by chap. 530, L. 1901.*)

§ 180. **Application of other articles and penal code.**—The provisions of the other articles of this chapter apply as far as practicable to voting by voting machines, except as herein provided. The provisions of the penal code and of this chapter relating to misconduct at elections shall apply to elections with voting machines.

§ 181. **When ballot clerks not to be elected.**—Ballot clerks shall not be elected or appointed for any district for which a voting machine shall have been adopted, and which will be supplied and ready for use at the next election to be held therein.

§ 182. **Number of voters in election districts.**—For any election in any city, town or village in which voting machines are to be

used, the election districts in which such machines are to be used may be created by the officers charged with the duty of creating election districts, so as to contain as near as may be six hundred voters each. Such re-districting or re-division may be made at any time after any November election and on or before August fifteenth following, and when so made shall take effect immediately. Where such re-districting or re-division shall be made in any town, the board making the same shall, on or before September first following, appoint from the inspectors of election then in office—if sufficient therefor are then in office, and, if not, from persons not in office, sufficient to make up the requisite number—four inspectors of election for each election district thus created, two of whom shall belong to and be of the same political faith and opinion on state and national issues as one of the two political parties which at the last preceding general election for state officers shall have cast the greatest number of votes in said town, and the other two of whom shall belong to and be of the same political faith and opinion on state and national issues as the other of said two political parties. Thereafter no redivision of such election districts shall be made for elections by such machines until at some general election the number of votes cast in one or more of such districts shall exceed seven hundred. (*Thus amended by chap. 530, L. 1901.*)

§ 183. **Definitions.**—The list of candidates used or to be used on the front of the voting machine shall be deemed official ballots under this chapter for an election district in which a voting machine is used pursuant to law. The word “ballot” as used in this article, (except when reference is made to independent ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate for office, or a statement of a proposed constitutional amendment, or other question or proposition with the word “for” or the word “against”;

§ 184. **Repeal of laws.**—Section forty of the town law as added by chapter eighty-two of the laws of eighteen hundred and ninety-

three and renumbered by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, chapter seven hundred and sixty-four of the laws of eighteen hundred and ninety-four, chapter seven hundred and sixty-five of the laws of eighteen hundred and ninety-four, chapter three hundred and thirty-nine of the laws of eighteen hundred and ninety-six, chapter four hundred and forty-nine of the laws of eighteen hundred and ninety-seven, chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven, and chapter one hundred and sixty-eight of the laws of eighteen hundred and ninety-eight, and all acts amendatory of such acts, are hereby repealed; but such repeal shall not be deemed to prohibit the adoption or use of any voting machine at any election within any town, city or village that has adopted the same prior to the passage of this act, but the method of conducting an election therewith shall be in the manner prescribed by this chapter.

ARTICLE VIII.*

Electors of President and Vice-President, and Representatives in Congress.

SECTION 190. Representatives in congress.

191. Electors of president and vice-president.
192. Meeting and organization of electoral college.
193. Secretary of state to furnish list of electors.
194. Vote of the electors.
195. Appointment of messenger.
196. Other lists to be furnished.
197. Compensation of electors.
198. Laws repealed.

§ 190. Representatives in congress.—Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year eighteen hundred and ninety-six and every second year thereafter. If any such representative shall resign, he shall forthwith transmit a notice of his resig-

* Number of article changed and sections renumbered by chap. 466, L. 1899.

nation to the secretary of state, and if a vacancy shall occur in any such office, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice thereof to the secretary of state.

Special election when to be held to fill vacancy. See § 3.

§ 191. Electors of president and vice-president.—At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors.

§ 192. Meeting and organization of the electoral college.—The electors of president and vice-president shall convene at the capitol on the second Monday in January next following their election, and those of them who shall be assembled at twelve o'clock, noon, of that day, shall immediately at that hour fill, by ballot, and by plurality of votes, all vacancies in the electoral college occasioned by death, refusal to serve or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body.

§ 193. Secretary of state to furnish list of electors.—The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state, of the number of votes given for each person for whose election any and all votes were given, together with the certificate of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state, and deliver the same thus signed and sealed to the president of the college of electors on the second Monday in January.

§ 194. **Vote of the electors.**—Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein.

§ 195. **Appointment of messenger.**—The electors shall then, by a writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the list so sealed up, and to deliver the same to the president of the senate, at the seat of government of the United States, before the third Monday in the said month of January. In case there shall be no president of the senate at the seat of government, on the arrival of the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States.

§ 196. **Other lists to be furnished.**—The electors shall also forward forthwith, by the postoffice in the city of Albany, to the president of the senate of the United States at the seat of government, and deliver forthwith to the judge of the United States court for the northern district of the state of New York, similar lists signed, annexed, sealed up and certified in the manner aforesaid.

§ 197. **Compensation of electors.**—Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled

to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile each way, from his place of residence, by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.

§ 198. **Laws repealed.**—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

SCHEDULE OF LAWS TO BE REPEALED BY THE ELECTION LAW.

Laws of—	Chapter.	Sections.
1842.....	130.....	All.
1844.....	331.....	All.
1847.....	240.....	All.
1854.....	286.....	All.
1855.....	513.....	All.
1856.....	79.....	All.
1860.....	480.....	All.
1870.....	134.....	All.
1870.....	388.....	All.
1871.....	712.....	All.
1875.....	138.....	All.
1876.....	287.....	All.
1877.....	322.....	All.
1878.....	354.....	All.
1880.....	56.....	All.
1880.....	366.....	All.
1880.....	437.....	All.
1880.....	460.....	All.
1880.....	553.....	All.
1881.....	137.....	All.
1881.....	163.....	All.
1882.....	154.....	All.
1882.....	366.....	All.

Laws of—	Chapter.	Section.
1882.....	410.....	1839 to 1844 inclusive, 1846, 1847 and 1848; 1850 to 1861 inclusive, 1864 to 1866 inclusive, and 1868 to 1929 inclusive, and 1931.
1883.....	380.....	All.
1883.....	422.....	All.
1885.....	446.....	All.
1887.....	265.....	All.
1888.....	583.....	For sections repealed in title XX, as amended, see chapter 236, Laws 1891, in this schedule.
1889.....	1.....	All.
1890.....	117.....	All.
1890.....	169.....	All.
1890.....	262.....	All.
1890.....	321.....	All.
1890.....	355.....	All.
1891.....	7.....	All.
1891.....	236.....	Sections 3 to 25 inclusive, all after the word "board" in the last line of section 26, and sections 27 to 32 inclusive, of title XX of chapter 583, Laws of 1888, as amended by chapter 236, Laws 1891.

Laws of—	Chapter.	Section.
1891.....	296.....	All.
1891.....	336.....	All.
1892.....	680.....	All.
1893.....	233.....	All.
1893.....	274.....	All.
1893.....	370.....	All.
1894.....	61.....	All.
1894.....	275.....	All.
1894.....	302.....	All.
1894.....	348.....	2, 3, 4, 5 and 6.
1895.....	810.....	All.
1895.....	909.....	All.
1895.....	991.....	All.
1895.....	992.....	All.
1895.....	993.....	All.
1895.....	1034.....	All.

Instructions for Guidance of Election Officers at General Elections.

The following brief instructions are not intended as a complete guide for election officers, but merely to point out where their more important duties may be found in the text of the election law.

GENERAL POWERS AND DUTIES.

Preliminary Duties.

One of the first preliminary duties of an election officer should be to familiarize himself with the boundaries of his election district, in order that he may be able to decide at once whether an elector, upon giving his place of residence, is entitled to be registered or entitled to vote in his election district. This knowledge may be obtained by application to the town or city clerk, where maps or certificates of the boundaries of election districts are required to be filed. See § 9.

Organization of Boards of Inspectors.

The first duty to be performed by boards of inspectors is the registration of electors, and before entering upon that duty, the inspectors of each district shall meet and appoint one of their number chairman, or if the majority shall not agree upon such appointment, they shall draw lots for that position. See § 14.

Inspectors to Act as a Board.

In all proceedings of the inspectors acting as registrars, inspectors or canvassers they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide. See § 103, subd. 1.

Supplying Vacancies and Absences.

If at the time of any meeting of the inspectors, there should be a vacancy in any of the election offices, or any election officers should be absent, the offices should be filled, or absences supplied, from the political party entitled to the vacant place, in the manner prescribed by law; and the person appointed or designated to act as an election officer should immediately take the constitutional and statutory oaths, as prescribed by the election law. See § 14.

Preservation of Order by Inspectors.

The board of election inspectors and each individual member thereof have full authority to preserve peace and good order at all meetings of the board and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. See § 15.

REGISTRATION OF ELECTORS.

Meetings.

Before every general election in cities or villages having 5,000 inhabitants or more, meetings for the enrollment of voters are to be held, namely: On the fourth Friday, fourth Saturday, third Friday and third Saturday before election, and in election districts other than in cities or such villages, two meetings are to be held, namely: On the fourth and third Saturday before the election.

No inspector shall on any day of registration be absent during the hours fixed for enrolling the names of electors. See § 30.

Not more than two watchers of each political party or independent body entitled to file certificates of nominations may be present at such polling place, and within the guard rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration. See § 30.

Register of Electors.

Each inspector is required to make one copy of the register of electors, and he should not make any entry in any register but his own.

The copy made by the chairman of the board of inspectors, which is known as the "public copy of registration," is to be left in a prominent position in the place of registration, from the first day of registration until election day. Each other inspector must carefully preserve his register and be responsible therefor until the close of the canvass of the votes on election day, except in cities of the first class at the close of the last day of registration the chairman of the board shall take from an inspector of opposite political faith, the register made by such inspector and deliver it to the police for filing, as required by the election law, and the two other inspectors of opposite political faith shall each retain their respective registers of electors, for use on election day. See § 35, subd. 2.

Entries are to be made in the blank books for registration of electors, which books are to be delivered to the inspectors before the hour set for registering the names of electors on the first day of registration. Such books contain instructions which should be carefully read by each inspector before proceeding with the registration of voters, and in addition thereto, the inspectors are advised to carefully read the provisions of § 32, for more full and complete instructions.

Qualifications of Electors.

The qualifications of an elector for the purpose of having his name placed on the register, are fully set forth in § 34, and should be thoroughly understood by the inspectors of election.

Challenges.

If an applicant for registration be challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to be enrolled, his name should not be entered on the register of electors unless upon examina-

tion under oath, the applicant shall prove to the satisfaction of the inspectors his right to be enrolled. Blank challenge affidavits are provided for each board of inspectors, which are to be filled out by the inspectors in every case of a challenge, or if a member of the board shall have reason to suspect that the applicant is not entitled to have his name enrolled on the register, and if the applicant shall by his answers satisfy a majority of the board of inspectors of his right to be registered, they shall enroll his name. If not, they shall point out to him the qualification which he lacks as an elector, and his name shall not be enrolled upon such register except as provided by section 31 of the election law, relating to the adding and erasing of names on the register. See § 34, subd. 6.

Duties at the Close of Registration Days.

At the close of each day's registration, each inspector is required to draw a line in ink immediately below the name of the elector last entered upon each page of his register; and upon the succeeding day of registration, he must enter the names of electors immediately under such lines. See § 35, subd. 2.

The inspectors must also, at the close of each meeting, sign the certificate contained in the last pages of each registration book, to the effect that such register as it now is, is a true and correct register of the names and residences of all the electors enrolled by them. See § 35, subd. 1.

Inspectors of each election district shall at the close of the last day of registration, certify to the officer or board charged with the duty of furnishing ballots, the total number of electors enrolled in such district and inspectors in districts within the metropolitan elections district, shall at the close of each day furnish the like information to the state superintendent of elections. Inspectors of each district in cities are required to furnish to the police at the close of each day of registration the total number of electors enrolled on such day in their respective districts. See § 35, subd. 3.

At the close of the last day of registration, the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received. See § 34, subd. 6.

Boards of inspectors of election districts in cities of the first and second class are required immediately after the close of the last day of registration to make and complete one list of all persons enrolled in their respective districts in numerical order of the streets and numbers thereof, which list shall be signed and certified by the board of inspectors, and delivered by the chairman of the board to the police captain of the precinct in which the election district is located, or to an officer thereof. See § 32, subd. 3.

At the close of the last day of registration in cities of the first class one of the registers should be filed as provided for in § 35, subd. 2.

In cities within the metropolitan elections district the board of inspectors of each election district, are required immediately at the close of the polls of each day of registration, to make and complete one list of all persons enrolled in their respective districts, in the numerical order of streets and numbers thereof, in the blank books which will be furnished each such board of inspectors, which list must be delivered forthwith by the chairman of the board to the police for delivery to the state superintendent of elections at his office. See § 10, of chap. 676, laws of 1898, as amended by chap. 499, laws of 1899.

DUTIES ON ELECTION DAY.

Opening of the Polls.

Election officers are required to meet at the polling places of their respective districts not later than 5.30 a. m., and proceed to arrange the polling places for the orderly and legal conduct of the election. See § 100.

For manner of arrangement of polling places see § 17.

Sealed packages containing official and sample ballots, instruction cards and stationery, are required to be distributed to each

election district at least one-half hour before the opening of the polls of such election therein. The inspectors upon receiving such packages, shall give to the officer or board delivering the same a receipt therefor. See § 87.

If the official ballots required to be furnished shall not be delivered at the time required, the board shall cause unofficial ballots to be prepared as nearly in the form of the official ballots as practicable. See § 89.

The following duties shall be performed by the inspectors before opening the polls:

1. Open the sealed package of instruction cards, and cause them to be posted in the manner provided for by law.

2. Open the sealed package of official ballots and sample ballots and place them in charge of the ballot clerks.

3. Place the poll books in charge of the poll clerks.

4. Cause to be placed at a distance of one hundred feet from the polling place, the distance markers.

5. See that the voting booths are supplied with pencils having black lead only.

6. Unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and lock them up again while empty in such manner that the watchers present and the persons just outside the guard rail can see that such boxes are empty when they are relocked.

7. The election officers should be stationed as near each other as practicable within the inclosed space. See § 100.

8. Designate an inspector to receive ballots from the electors voting, and if a majority shall not agree to such designation, such position shall be filled by drawing lots. See § 103.

9. If at the opening of the polls there should be a vacancy in any of the election offices, or any election officer should be absent, such vacancies and absences should be filled at once. See § 14.

Proclamation of Opening of Polls.

The polls of every general election shall be open at six o'clock in the forenoon. See § 3.

One of the inspectors shall then make proclamation that the polls of election are open and of the time o'clock in the afternoon when the polls will be closed. See § 100.

The following form may be used or any other that will meet the requirements of law:

"Hear ye! hear ye! hear ye! The polls of this election is opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election on pain of imprisonment. And all persons are desired to take notice that the polls will be closed at five o'clock in the afternoon."

Watchers and Challengers.

Duly authorized watchers, two of each political party or independent body, upon the production of their credentials, should be admitted within the guard rail at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls, and may be present until after the announcement of the result of the canvass of the votes cast thereat, and the signing of the original statement of the canvass, and copies thereof, by the inspectors. See § 102.

A reasonable number of challengers shall be permitted to remain just outside the guard rail of each polling place, where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. See § 102.

Delivery of Ballots to Electors.

Do not allow within the guard rail more than twice as many electors as there are voting booths thereat, in addition to the persons lawfully within such guard rail for other purposes than voting. See § 104.

Persons lawfully authorized to be admitted within guard rail are enumerated in § 101.

When an elector enters within the guard rail, after giving his name and residence, and age, if required by the inspectors, one

of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct voice, and if such elector is entitled to vote thereat, and if there is no challenge, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall deliver to him a set of official ballots folded in the proper manner for voting. See § 104, subdivision 1.

If it be an election for which electors are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks, ascertain whether he is duly registered, and the ballot clerks shall not deliver any ballot to such elector, until the inspectors announce that he is registered. See § 103, subdivision 1.

The ballot clerk shall deliver the ballots in such order that the numerical order of the numbers printed on the stubs of the ballots delivered, shall be the same as the order of the successive deliveries thereof. The ballot numbered one on the stub being the first thereof, and so on. See § 103, subdivision 2.

If, in addition there shall be any ballots of questions submitted, such ballots shall be delivered to the elector in such order that the number on the stubs of both ballots so delivered shall be the same. See § 103, subdivision 2.

In case one of a set of ballots bearing the same number shall be found defective in printing, or mutilated, before the same is given to the elector, both ballots of that number shall have the stubs removed therefrom by the ballot clerks, and such ballots shall be deposited in the box for spoiled and mutilated ballots, and the stubs in the box for detached stubs; and a memorandum shall be made of the fact that such set was not delivered to the electors. See § 103, subdivision 2.

The ballot clerks shall upon the delivery of official ballots to the electors announce the elector's name and the printed number on the stub of each ballot so delivered. See § 103, subd. 2.

Upon the return of a ballot or set of ballots unvoted, they shall announce the name of the elector returning them, and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots, and deposit the

same in the box for detached stubs, and such ballots in a box for spoilt and mutilated ballots; and shall then make a memorandum of the number of such ballots and the fact that they were returned spoiled by the electors. See § 103, subdivision 2.

If an elector deface or tear a ballot, or wrongly mark the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. See § 105.

Upon each delivery of the official ballot, or set of official ballots, by the ballot clerks to an elector, each poll clerk must make the proper entries in the proper column of the poll book. See § 103, subdivision 3.

No ballot shall be delivered to an elector, except such as the voter is legally entitled to vote, and also a sample ballot when the same is asked for. See § 104, subdivision 1.

Assistance for Certain Electors.

In cases of physical disability or illiteracy of an elector, which must be declared by the elector under oath, two of the election officers, both of whom shall not be of the same political faith, may enter the booth with such elector and assist him in preparing his ballots. Such election officers are forbidden to influence such elector, or reveal to any person the name of any candidate voted for by such elector. See § 104, subdivision 2.

Receiving of Ballots.

When the ballot of a qualified elector is presented to the inspector in charge of the ballot box, such inspector shall announce the name of the elector and printed number on the stub in a loud and distinct voice, and if the elector be entitled to vote and be not challenged, or if challenged and the challenge be decided in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed num-

ber is the same as that entered on the poll books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, after removing the stub or stubs therefrom in plain view of the elector, and without removing any other part of the ballot, or in any way exposing the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stub in the box for detached ballot stubs. See § 106.

As each elector votes the inspectors shall check his name upon such register, and shall enter therein in the column provided therefor, opposite the name of such elector, the consecutive number upon the stub of the ballot or set of ballots voted by him. See § 103, subdivision 1.

As each elector offers his ballot, or set of ballots which he intends to vote, to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll books kept by him, as the number on the ballot or set of ballots last delivered to such elector is the same as the number on the stub or ballots so offered, and as each elector votes each poll clerk shall enter in the proper column on his poll book the number on the stub of the ballots so voted. See § 103, subdivision 3.

Challenges.

A person may be challenged, either when he applies for an official ballot, or when he offers the ballot that he intends to vote, or previously by notice to that effect to an inspector by any elector. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. See § 108, subdivision 1.

In such cases the following preliminary oath shall be tendered to him: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." See § 108, subdivision 1.

The inspectors or one of them shall then ask the following questions under the preliminary oath:

1. What is your name?
2. What is your age?
3. Where do you reside? State as precisely as you are able the particular locality of your place of residence.
4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?
If a naturalized citizen—
9. When were you naturalized?
10. Where and in what court, or before what officer?
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?
13. How long do you contemplate residing in this election district?
14. Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?
15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as compensation or reward for giving your vote at the next ensuing election?
16. Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?
17. Have you been convicted of felony?
18. If so convicted, have you been pardoned and restored to all the rights of citizenship?

In addition, such other questions may be asked which may tend to test the qualifications of the persons offering to vote as

a resident of the election district, citizenship and right to vote at such polling place. See § 108, subd. 1.

Upon the refusal of any person to take the preliminary oath, and to answer fully the questions which may be put to him, his vote shall be rejected. See § 108.

After receiving the answers of the person challenged, the inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them to be deficient. See § 108.

And if the person persists in his claim to vote, and the challenge be not withdrawn, the following oath shall be administered to him: "You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election?" See § 108, subd. 2.

If the person so offering to vote shall be challenged for causes stated in section two of article two of the Constitution of this state, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election." See § 108, subd. 2.

If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen." See § 108, subd. 2.

If any person shall refuse to take either oath so tendered, his vote shall be rejected, but if he should take the oath or oaths tendered him, his vote shall be accepted. Section 108, subd. 2.

A record of the persons challenged is required to be kept, containing the name of every person who is challenged, or who takes either the preliminary or general oath, specifying in each case the particular oath taken, and at the close of election, the inspectors shall certify that the record contains the names of all persons challenged at such election in such district. See § 108, subd. 3.

Closing the Polls and Counting the Vote.

The polls shall be closed at five o'clock in the afternoon. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to the electors, and the electors entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act. See § 3.

Immediately upon the closing of the polls, the inspectors of election shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed, as follows. See § 110.

The ballots are to be canvassed in the following manner:

1. The box containing the general ballots is to be opened and ballots therein canvassed.

2. The box containing the ballots cast upon any constitutional amendment or other proposition or question is to be opened and ballots therein canvassed.

3. The board of inspectors shall compare the two poll books with the registers used on election day as to the number of electors voting at the election, and correct any mistakes therein.

4. Count the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single.

5. Compare the number of ballots found in each box with the number shown on the poll books and the ballot clerks' statement to have been deposited therein.

6. If more ballots are found in any box than the number of ballots shown to have been deposited therein, such ballots shall

all be replaced without being unfolded, in the box from which they were taken and shall be thoroughly mingled therein, and one of the inspectors designated by the board, shall, without seeing the same, with his back to the box, publicly draw out as many ballots as shall be equal to such excess and without unfolding them, forthwith destroy them.

7. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in the box exceeds the whole number of ballots shown by the poll books and ballot clerks' statement to have been deposited therein, and not otherwise.

8. If there lawfully be more than one ballot box for the reception of ballots voted, no ballot properly endorsed, found in the wrong ballot box shall be rejected, but shall be placed in its proper box by the inspectors before canvassing and counted in the same manner as if found in the proper ballot box, if such ballot shall not together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' statement to have been deposited in the proper box.

9. No ballot that has not the official indorsement, shall be counted except such as are voted in accordance with the provisions of the election law, relating to unofficial ballots.

10. The chairman only of the board of inspectors shall unfold the ballot taken from the ballot box.

Rules for Counting.

Rules governing the counting of votes are contained in subdivision 2 of section 110, under the head "Intent of electors," and should be consulted by election officers upon any question arising during the canvass.

Method of Counting.

The method of counting shall be as follows:

1. The straight ballots are to be separated from the split bal-

lots and counted, and the number of straight party votes for each candidate counted.

2. The poll clerks shall enter the number of straight party votes for each candidate on each tally sheet by the poll clerk keeping the same.

3. The split ballots will then be taken up separately by the chairman of the board, who shall announce the vote for each candidate on each such ballot in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same.

4. As the votes on each split ballot are counted, such ballots shall be passed to the other inspectors for verification.

5. After the poll clerks have added together all the votes for each candidate, and the ballots wholly blank and void, together with the ballots on which no votes were counted, for any candidate for such office, and shall have entered the sum thereof in the proper column of the tally sheet, as soon as the count is completed for each office, they shall submit the results to the inspectors.

6. If the result is found to be correct the chairman shall at once announce the same.

7. When a ballot is not void and is objected to as marked for identification the inspectors shall write on such ballot the words "objected to because marked for identification," and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The vote shall be counted by them as if not so objected to.

8. Inspectors must exhibit if requested any and all ballots to watcher, fully opened, and in such condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand.

9. In cities of first class the chairman of the board shall forthwith upon completion of the count of votes and announcement thereof, deliver to the police officer on duty at the polling place a statement subscribed by the board stating the number of votes received by each candidate for office. See § 110, subd. 3.

Statement of Canvass and Certified Copies.

Upon the completion of the canvass the board of inspectors shall make out an original statement of canvass and two certified copies thereof, and sign and certify them as required by law.

Each ballot declared void by the inspector shall be endorsed upon the back thereof, with the specific reason for its rejection, and such void ballots, together with the ballots which were protested as being marked for identification, shall be secured in separate sealed package which shall be endorsed on the outside thereof, with the names of the inspectors and designation of the election district, and the number and kind of ballots contained therein.

Unofficial ballots which are voted shall be returned in a package with the void and protested ballots. See § 111.

The ballots voted, except the void and protested ballots, should be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced, and each such box shall be securely locked and sealed, and immediately deposited with the officer or board furnishing such boxes. See § 111.

Proclamation of Result.

Upon the completion of the canvass of the original statement and certified copies, and the result thereof, the chairman of the board shall make public oral proclamation of the result of the canvass. See § 112.

Such proclamation of result should be made in the form following:

“Hear ye! hear ye! hear ye! The whole number of votes given for the office of (governor) found in the box just canvassed was (1090); of which number there were given for said office, for Roswell P. Flower (595), for Jacob Sloat Fassett (362), for Joseph W. Bruce (153),” (naming each person voted for, for the office of governor, and the number of votes given for him for that office).

“The whole number of votes given for the office of lieutenant-governor, found in the same box, was ; of which there

were given for that office, for William F. Sheehan, ..., for John W. Vrooman, ...” Proceed on with the votes given for the different candidates.

The original statement of canvass and the certified copies thereof will then be securely and separately sealed with sealing wax in an envelope properly endorsed on the outside thereof by the inspectors. See § 112.

Delivery and Filing of Papers, etc.

At every general election, the chairman of the board shall forthwith upon the completion of the canvass, deliver one certified copy thereof as follows:

One copy shall be delivered to the supervisor of the town or city in which the election district is situated, and if there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such copy shall be forthwith delivered to the assessor of such town or city. See § 113, subd. 1.

One certified copy of such original statement of the result of the canvass, together with the poll books of the election and one of the tally sheets shall be forthwith filed by the inspectors, or by one of them deputed for that purpose, with the town or city clerk as the case may be. See § 113, subd. 1.

The original certified statement of the result of the canvass, with the original ballot return, prepared by the ballot clerk, attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, with the sealed packages of the detached stubs and unvoted ballots, and one of the tally sheets shall within twenty-four hours after the completion of the canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the election district is situated. See § 113, subd. 1.

The registers of electors and public copy thereof shall be filed in cities of the first class, at the close of the canvass of votes, or within twenty-four hours thereafter shall be filed respectively with the board of elections in the Borough of Manhattan, and with the chief clerk of the branch office of the board

of elections in each other borough of the city of New York in which the election district is located, and with the city clerk of Buffalo. See § 35, subd. 2.

In all other election districts of the state, one copy of the register shall within twenty-four hours after the close of election, be filed in the office of the town or city clerk in which such election district is, and the other copies with the county clerk. See § 35, subd. 2.

In the city of New York, the original statement of canvass, the sealed packages of void and protested ballots and other election papers and packages, shall be filed as provided in subdivision 2, of section 113, of the election law.

* In election districts within the metropolitan elections district, the certified copy or original statement, tally sheet and poll book required to be filed with the town or city clerk, under subdivision 1 of section 113; and the certified copy of the original statement of canvass required to be filed with the city clerk of the city of New York, the poll book and tally sheet required to be filed by the superintendent of elections of such city and with the chief of the branch bureaus of election, under subdivision 2 of said section, shall be forthwith filed by such officers in the office of the state superintendent of elections for the metropolitan elections district. See § 113, subd. 3.

HOW TO VOTE.

Enter within the guard rail through the entrance provided, and forthwith proceed to the inspectors and give your name and residence to the inspectors. If entitled to vote, and your vote is not challenged, or if challenged, and the challenge be decided in your favor, one of the ballot clerks will deliver to you one official ballot, or set of official ballots, folded in the proper manner. See § 104, subd. 1.

You will then retire alone to one of the voting booths for the purpose of preparing your ballots. The following rules are to be observed in marking your ballots (see § 105):

Rule 1. If the elector desires to vote a straight ticket, that is,

for each and every candidate of one party for whatever office nominated, he should make a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket, does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The elector can vote for any office by omitting to make a cross X mark in any circle, and making a cross X mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "Yes" or "No" which he desires to give on each such question submitted.

Rule 7. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark.

If you spoil a ballot, return it to the ballot clerk, and he will give you another, not exceeding in all three sets, upon returning each set of ballots defaced or wrongly marked. See § 105.

You are not allowed to occupy a voting booth occupied by another, nor to occupy a booth more than five minutes in case all

the booths are in use and electors waiting to occupy the same. See § 105.

Before leaving the voting booth, fold your ballot in the proper manner for voting, which is first by bringing the bottom of the ballot up to the perforated line, and second, by folding both sides to the center or towards the center in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the endorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any of the face of the ballot below the stub, and so that when folded, the ballot shall not be more than four inches wide. See § 104, subd. 1.

The ballots handed to you by the ballot clerks will be properly folded and can be refolded by you in the same manner. Such manner of folding should be carefully observed before unfolding your ballot for the preparation of your vote. See § 104.

After preparing your ballots proceed at once to the inspector in charge of the ballot-box, deliver your ballots to him and after seeing them deposited, leave the enclosed space. See § 106.

A voter who declares on oath at the time of registration or if subsequently disabled, on the day of election, that for lawful reasons he is unable to mark his ballot without assistance, may receive the assistance of two of the election officers in marking the same. See § 104, subd. 2.

All ballots must be marked with a lead pencil having black lead only. See § 105.

An elector is not allowed to re-enter the enclosed space after having voted. See § 106.

An elector who does not vote a ballot delivered to him must return the same to the election officer before leaving the polling place. See § 106.

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